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Social, Poilitical and International Affairs

Unit I : Government in State and Central. Federalism, Centre-state relations, and reports on centre-state relations. Politics at the district level – Panchayat raj, elections and governance.

Unit II : Nature of the party system: major national parties and more important regional parties, and their social bases; Influence of regional parties in decision making.

Unit III : The electoral system – Election and Press. Process stresses and strains; secularism and communalism in India – problems and trends. Media and Psephlogy.

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Unit V : Brief study of international relations–foreign policies of India. India's relations with China, Pakistan, South Asian countries, West Asian countries, Africa, Europe and America - Concept of global village.

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UNIT I
LESSON 1

THE FEDERAL SYSTEM

UNIT STRUCTURE

1.1 Nature of Indian Federal System

1.2 Federal Elements

1.3 Unitary and Centralist Features

1.4 Legislative Relations Between the Union and the States

1.5 Distribution of Legislative Subjects

1.6 Expansion of the Power of Parliament

1.7 Administrative Relations Between the Union and the States

1.7.1 Centre's Supervisory and Controlling Power

1.7.2 Cooperation between the Union and the States

1.7.3 Immunity from Mutual Taxation

1.8 Trends and Tensions in Centre-State Relations

1.9 Inter-State Council

1.10 Answers to Check Your Progress

1.1 NATURE OF INDIAN FEDERAL SYSTEM

The Constitution of India describes India as a "Union of States", not a federal union. However the system of government introduced by the Constitution is federal. The Indian federation is not the result of a compact among pre-existing independent states as the American federation is. The federation of India came into being after the formation of the nation-state. The federated units had no independent character of their own in the past. The Founding Fathers of our Constitution inherited from the British Raj a highly centralized bureaucratic state but adopted a federal system of government as the most suitable for ethnically diverse Indian society. Their approach to federation has been that "Unity and Diversity" could coexist in a framework that might optimize both values - unity of the nation and the identity of various sub-national groups forming the pillars of the federation. In devising such a framework they took into account the given historical, political, geographical, economic and

sociological environment as well the experiences of the actual working of the old federations and did not create an orthodox federation, even if such an institution existed anywhere in the world. The Founding Fathers introduced a federal system with a strong centre. The creation of a strong centre gave rise to heated controversy among eminent jurists and political scientists regarding the true nature of Indian federation. Paul H. Appleby, for one, has characterized it as "extremely federal" and K.P. Mukherjee- has dubbed it as "unfederal", "unitary". Between these two extreme positions there is middle-roader, Prof. K.C.Wheare, who calls it "quasi-federal". Such divergent views arise from how one thinks a federation is.

Classical federation established by the American Constitution in 1787 involves a division of sovereign powers of the state between separate levels of government, federal (or central) and state (or provincial), each of which is supreme and independent within its own sphere. Since federalism is a legalistic arrangement there must exist an independent judiciary to arbitrate in disputes between the central government and one or more state governments. But the American federalism in practice today has moveda long way from the old theory of separate spheres of activity for each level of government.

The American federation as well as the original federations of Switzerland and Australia has become more and more centralized, though the degree of centralization varies from country to country. The classical federations are becoming markedly unitary in character but none of them can be called a unitary state for the simple reason that regional governments have not become subordinate to the centre as they are in a unitary state.

1.2 FEDERALELEMENTS

The essence of federalism lies in a constitutionally guaranteed sharing of power by levels of government and the existence of an independent judiciary to guard the guarantee. The key elements of a federation are thus:division of powers, supremacy of the Constitution and an independent judiciary. All the three elements are very much present in our Constitution.

In the first place, our Constitution has made an elaborate and exhaustive division of powers between the Union (or the Centre) and the States through three lists: the Union List with items of national importance, the State List with subjects of regional importance and the Concurrent List with items of common importance. The Central Government has exclusive jurisdiction over the Union List and the State Governments over the State List, while both have concurrent jurisdiction over the Concurrent List.

In the second place, our Constitution is the "supreme organic law of the land". Both the Union and the States derive their powers from the Constitution and both are subject to it. The Constitution is rigid in the sense that no provision relating to the federal structure can be amended without the consent of the States.

In the third place, there is the Supreme Court vested with the power to guard the distribution of powers and maintain the supremacy of the Constitution.

Check Your Progress

1. Who says that the Federation is 'Quasi Federal'?
2. What are the three lists in our Constitution?
3. What does the Constitution describe India as?

1.3 UNITARY AND CENTRALIST FEATURES

Though India is, in constitutional theory, a federation, there are some important unitary features in it. In our federal system, as distinguished from the American or Australian federations, there is a considerable array of central powers in relation to the States. These include the following:

i) ***Supremacy of the Centre in the Legislative Field:***

First, there is the size and importance of the Union List relative to the State List. Second, the Centre has priority in the Concurrent List. Third, the residuary powers are vested with the Centre and not, as in America, with the States. In addition and, more importantly, the

Centre can legislate on subjects in the State List—

(a) If Rajya Sabha by two-thirds majority passes a resolution to the effect that Parliament should make such a legislation in "national interest" (Art. 249).

(b) If the President makes a proclamation of "national emergency" (Arts. 352-354 and 359).

(c) If the President proclaims emergency in a State under Art. 356.

Such provisions are not found in the Constitutions of the USA or Australia.

ii) ***Central Dominance in Financial Matters:***

The centre has control over the most important and growing sources of taxation and authority to collect certain taxes on behalf of the States *and*to distribute the revenues among them. The States' capacity to raise revenue being constitutionally highly constrained they have to depend upon the charitable assistance of the Centre. Again, if the President declares "financial emergency" under Art. 360, the States must follow the central directives -relating to financial matters.

iii) ***Centre's Power Over the States:***

Barring emergencies, the Centre can exercise control both over the administration and legislation of the States in normal times. First, a State Government must comply with the central laws and all central directions (Arts. 256 and 257). If it fails to do so, the Centre can remove the State Government (Art. 365). Such coercive power is foreign and repugnant to federations like the United States or Australia. Second, the Governor who is appointed by the Centre without the State's consent must see that State administration is carried out properly and send reports to the centre from time to time. Third, even if a bill is passed by the State legislature, the Governor may not give his assent and send the bill to the President for his consideration. Fourth, under Article 238 certain kinds of bills, even when duly passed by the State legislature, must receive the President's assent. All such legislations can be disallowed by the President—a power not found in other federations. Further the Governor, the eyes and ears of the Centre, must see that central directions to the State are complied with and report to the centre accordingly.

iv) ***Constituent Power of the Centre:***

The bulk of the Constitution, except the federal provisions, can be amended by the Union Parliament without consent of the States. But no part of the American Constitution can be amended without the consent of the States.

Thus the distribution of powers has not only a central bias,the powers of the sans are hedged in with various restrictions which impede their autonomy even within the limited sphere carved for them by the Constitution.

In addition, there are several features which constitute the hallmarks of a unitary system. These are : (1) The power of the Centre to create new States and to revise the boundaries of States or even to eliminate a State; (2) a single Constitution for the Union and the States, except the State of Jammu and Kashmir; (3) a single and uniform Indian citizenship instead of double citizenship as in the United States; (4) a single integrated hierarchical judicial system; and (5) common All-India Services for the enforcement of central as well as State laws.

Assessment

Summing up, the Indian federal system has three necessary ingredients of a federation, namely, the division of powers, the supremacy of the Constitution and a powerful Supreme Court to maintain the federal structure. At the same time there are various sub-features of a unitary system and wide powers of the Centre in relation to the States. And through the exercise of emergency powers the Centre can convert the federal system into a unitary one. All these have led Prof. K.C.Wheare to describe Indian system of government as "quasi-federal, a unitary state with subsidiary federal features rather than a federal state with subsidiary unitary features." K.P. Mukherjee went to the length *of* describing our constitutional system as "unfederal", unitary. At another pole we find Appleby who emphasises the federal features of our Constitution and characterises it as "extremely federal."

Combating the view that the Indian Constitution is "quasi- federal", Prof. Abxandrowicz says that India "is a case *'sui-generis'.*" That is to say, as D.D. Basu

puts it, "**the Constitution of India is neither purely federal nor purely unitary but is a combination of both. It is a Union or composite state of novel type. It enshrines the principle that inspite of federalism the national interest ought to be paramount, the principle which is found in the American Constitutions**". Indeed, the system of government introduced by our Constitution is to "normally" work as a federal system, but there are provisions for converting it into a unitary or quasi-federal system under specified circumstances. As Dr.Ambedkar observed in the Constituent Assembly, the political system adopted in the Constitution could be "both unitary as well as federal according to the requirements of time and circumstances". But the exceptions cannot be regarded as overshadowing the basic and normal structure. To quote Dr.Ambedkar again, "Both the Union and theStates derive their powers from the Constitution. The one is not subordinate to the other in its own field; the autonomy of one is coordinated with the other." According to Granville Austin, Indian federation should be characterized as "cooperative federalism" which is the distinctive feature of most federations today, including the United States. A cooperative federation produces "a strong central government, yet it does not necessarily result in weak provincial governments that are largely administrative agencies for central policies." The real test of a political structure, however, is not what it is in constitutional theory but what it is in practice.

Federation is a process and not an once-for-all act. The strengthening of central authority has been the crucial feature in the evolution of all federal states. Despite the centralist bias in our constitutional structure and the centralizing drives initiated during the premiership of Mrs. Indira Gandhi and then her son Rajiv Gandhi, the federal system has not "withered away." On the contrary it has shown its vitality. Its vitality is demonstrated bythe growing strength of regional nationalism and sub-nationalism which has resulted in the creation of several new States in the 1980s; (a) the co-existence of State Governments formed by parties other than the ruling party at the Centre; (b) the appointment of Sarkaria

Commission by Prime Minister Indira Gandhi to review the functioning of the federal system in view of the increasing demand for more State autonomy by opposition parties, both regional and national; and (c) increasing dependence of the Central Government on State Governments for implementation of its socio-economic policies. The disintegration of the single-party dominant system and the growth of powerful regional parties have led to the undisputed shift in the centre of gravity in the system. There has been a marked tendency for the balance of power to move against the Centre and in favor of the States. This means that India should be judged as a federal state, though its legal framework has unitary and centralist features.

Check Your Progres

4. What does D.D. Basu say about the Constitution of India?

5. Discuss the Legislative Relations between the Union an the State.

6. What does Granvil Austin say about the Indian Federation?

1.4 LEGISLATIVE RELATIONS BETWEEN THE UNION AND THE STATES

In a federation the Constitution distributes legislative powers between the Centre and the units of the federation in such a way that both are independent in the exercise of powers granted to them. This distribution of powers determines the legislative relations between the Centre and the units. Our Constitution has also distributed legislative powers between the Union and theStates (Arts. 245 to 255). In distributing powers between the Centre and the States our Constitution does not follow the American, Australian, or even the Canadian Constitution. It follows broadly the Government of India Act, 1935 and makes some innovations. The result has been the supremacy of the Centre in the Union- State legislative relations.

1.5 DISTRIBUTION OF LEGISLATIVE SUBJECTS

Following the Government of India Act, 1935, the Constitution makes a *threefold distribution* of legislative powers in the form of the Union List, the State List and Concurrent List.

The *Union List* comprises 99 items or subjects over which the Parliament has the full and exclusive power of legislation. These include subjects of national importance like defence, foreign affairs, banking, currency and coinage, central duties, taxes, etc.

The *State List* includes 61 items or subjects over which the State legislature shall have exclusive power of legislation. These are considered to be of local

importance, such as public order and police, local government, prisons, public health and sanitation, agriculture, forests, fisheries, State taxes and duties, etc. The *Concurrent List* includes 52 items over which both the Parliament and State legislature shall have concurrent powers. Some of the important items are criminal law and procedure, civil procedure, marriage, contracts, torts, trusts, welfare of labour, social insurance, economic and social planning and education.

However, the **Parliament has been given a predominant position in the general legislative field.** If there is overlapping or conflict between the three lists, the Union List is paramount. This means that the power of the State legislature to legislate on matters mentioned in the State List is subject to the power of the Parliament to legislate on matters included in the Union and Concurrent Lists [Art. 246(3)]. Further, if there is conflict between a law of a State and a law of the Union in the concurrent sphere, the latter will prevail. The State law may, however, prevail, even if there is repugnancy, if the State law was reserved for the President and has received his assent [Art. 254(2)].

Finally, the *residual power belongs to the Union* [Art. 248]. This vesting of residual power under our Constitution, as says D.D. Basu, follows the Canadian Constitution and not the American and Australian Constitutions which have vested residual power in the States.

In short, the Union Parliament has full and exclusive power to legislate on matters in the Union List and has also power to legislate on matters in the Concurrent List. The State legislature, on the other hand, has exclusive power to legislate on matters (less important than in the Union List) in the State List, *minus* matters falling in Union and Concurrent List;, and has a concurrent power with respect to matters in the Concurrent List. And finally, Parliament has exclusive power to make any law with respect to any matter not included in the Concurrent List or State List. By virtue of this residuary power, the Parliament has enacted several laws, such as the Gift Tax Act, the Commissions of Inquiry Act, 1952; Wealth Tax Act.

1.6 EXPANSION OF THE POWER OF PARLIAMENT

The predominance of the Parliament in the general legislative field is not only established. There are certain exceptional or extraordinary circumstances when Parliament can invade the' legislative autonomy of the States and enlarge its legislative powers. These exceptional or extraordinary circumstances are:

(a) In the national interest (Art. 249) The Parliament can make laws on any matter included in the State List, for a temporary period, if the Council of States resolves, by a 2/3 majority, that such legislation is "necessary or expedient in the national interest."

(b) During emergency (Art. 250) while a Proclamation of Emergency is in operation, Parliament shall have power to legislate on any of the matters included in the State List. Of course, the Union law shall not be in force on the expiration of six months after the revocation of emergency.

(c) By consent of state (Art 252) if the legislature of two or more states by passing resolutions request Parliament to make laws on a matter included in the state list relating to those states, Parliament can lawfully pass such an Act for regulating that matter. Any other state may adopt such legislation by passing a resolution to that effect.

(d) To implement international agreements (Article 253)Parliament has the power to make laws on matter included in state list, if it is necessary for the implementation of treaties or international agreements and conventions.

(e) Under a proclamation of failure of constitutional machinery in the states [Art. 356 (b)] When such a proclamation is made, the president may declare that the powers of the state legislature shall be exercisable by or under the authority of parliament.

Assessment

Thus, it is unmistakably clear that the union-state legislative relations the supremacy of the Parliament has been constitutionally established, not only in abnormal or exceptional circumstances, but in normal, peace times as well. K.V. Rao has observed that the State List "shows' how unimportant the subjects are, and also

how unambiguous and blurred".The States have a very truncated area of authority and that area is not even free from invasion of the authority of Parliament. **The legislative autonomy of States is what Parliament permits.** This is what has happened in practice.

First, the Centre has strengthened its position *vis-a-vis* the States by removing about 6 items from the State List to the Concurrent List [Third, Seventh and 42nd Constitution (Amendment) Acts].

Second, on various occasions the Centre has usurped the State legislative powers by dismissing State Governments run by opposition parties on the plea of the failure of constitutional machinery in those States. This has made a mockery of State autonomy.

Finally, the constitutional provision of Presidential assent bills reserved and sent by a State Governor has been used by the Centre to dictate policies to the States.

1.7 ADMINISTRATIVE RELATIONS BETWEEN THE UNION AND THE STATES

Following the "Federal Principle" our Constitution has divided powers between two levels of government, one at the Centre and the other States in the regions. But the vitality and strength of a federal polity "depends upon", as saying D.D. Basu, "the maximum of cooperation and coordination between the governments". What is necessary is interdependence between the governments and not complete independence of the States or their total dependence on the Centre. India is a land of perplexing diversity and confronted by stupendous problems. The need for greater cooperation and coordination and interdependence in field of administration is therefore greater. While discharging their responsibilities conflicts and clashes are likely to occur between the Centre and the States in the field of administration. To avoid such clashes and to ensure harmony and orderly progress of the country, the founding fathers of the Constitution have included detailed provisions in the Constitution in respect of Centre-State administrative relations. Many of the provisions, however, give the Central Government supervisory and controlling powers over State Governments. Consequently, the Centre-State administrative

relations have not developed in the direction of "cooperative federalism" because the Central Government has used constitutional provisions to increase its control over States.

The constitutional provisions in respect of Centre State administrative relations may be conveniently discussed under three heads: (1) Centre's controlling power over States; (2) Cooperation between Centre and States; (3) Immunity from mutual taxation.

1.7.1 Centre's Supervisory and Controlling Power

The Centre's supervisory' and controlling powers over the States may be analyzed under two heads; in emergencies and in normal times.

1. In emergencies. When the President makes a proclamation of 'emergency' the Central Government will work as if it were a unitary government. During the operation of "emergencies", the Central Government acquires the power to give directions to all matters relating to States.

2. In normal times. Even in normal times the Central Government has at its disposal various means and avenues of control over the States.

(a) The Centre exercises its control over the States **through the exercise of President's executive and legislative powers in relation to the States:**

i. Power to appoint and dismiss the Governor;
ii. Power to appoint judges of High Court, Members of the State Public Service Commission;
iii. Previous sanction of the President to introduce legislation in the State legislature (Art. 304);
iv. President's assent to specified legislation which must be reserved by the Governor for his consideration;
v. Veto power in respect of other bills reserved by the Governor.

The power to appoint the Governor has been so much abused that it has embittered the relations between the Centre and States.

(b) The Central Government can give ***Directions to the State Government*** (Arts. 256 & 257) in the following respects:

i. To ensure that State Governments duly comply with the legislative and administrative action of the Centre.

ii. Not to hinder the exercise of executive power of the Centre.

iii. To construct and maintain the means of communication of national and military importance.

The idea of the Centre giving directions to the States, D.D.Basu observes, 'is foreign and repugnant to a truly federal system". While one may admit the necessity of incorporating such unfederal provisions in our Constitution in view of the peculiar conditions of our country, it should be emphasised that **Article 356 of the Constitution virtually negates the principle of federation.** This is a coercive power which the Centre can exercise and dismiss a duly elected State Government if the latter fails to comply with the central directives.

3. Article 312 provides that, though the States may form their own civil services, there shall be an **"All-India Services"**, recruited on an all India basis with common qualifications and uniform scale of pay. The members of the Indian Administrative Service and the Indian Police Service serve the State Governments but they are subject to the regulations laid down by an Act of Parliament. The purpose of this provision, according to Dr.Ambedkar, has been to strengthen cohesion in the federal system and to maintain a standard of administrative efficiency.

4. By means of the **grants-in-aid**, that is, financial assistance to the States, the Centre exercises control and coordination over the development and welfare schemes of the States on a national scale.

5. Article- 263 gives the President the power to establish an **Inter-State Council** to bring about coordination between States. Such a council may inquire into disputes, investigate and discuss subjects of common interest and make recommendations for better coordination of policy and action. The Interstate Council consisting of 6 Union Ministers and the Chief Ministers of all the States has been established in April, 1990.

6. Parliament has the power to set up an **Inter-State Commerce Commission** as in the United States to maintain and promote freedom of trade, commerce and intercourse throughout the country (Arts. 301-305). No such Commission has yet been set up.

1.7.2 Cooperation between the Union and the States

For the smooth working of both the Central and State Governments, the Constitution provides for **mutual delegation of functions** (Art 258). The President may entrust to a State government, with its consent. Any of the executive functions of the Central Government. Again, Parliament may confer powers and impose duties upon the State or its officers relating to a law enacted by it. Conversely, with the consent of the Central Government, a state Government may entrust to the former or its officer's administrative functions relating to *a* State subject. Thus, where it is inconvenient for either Government to directly earn¯ out its administrative functions, it may have those functions executed through the other government.

1.7.3 Immunity from Mutual Taxation

To ensure smooth working of the system of dual government, the Constitution provides that the property of the Centre shall be exempt from State taxation; similarly, the property and income of a State from commercial activities shall be exempt from Central taxation.

Assessment

Thus, in normal times and emergencies, the administrative powers of the Centre are extensive and its position in the sphere of Union-State Administrative relations is very strong. The Constitution-makers laid down the provisions relating to Union- State administrative relations for the development of "cooperative federalism". But in actual working the provisions have embittered the Union-State relations. Since the introduction of the Constitution, the provisions affecting Union-State administrative relations have been implemented in such a way that the States looked, to a large extent, like administrative divisions of a unitary state. Congress party, the ruling party at the Centre since independence, barring two intervening

years, used the Centre's colossal power of control and directions to reduce most States run by opposition parties and even by the Congress party itself, into Vassals' or 'municipalities' (as some critics have said). This erosion of State autonomy has been a continuous source of contention between the Centre and the States. The ever-increasing demand of the non-Congress opposition parties for a review of the Centre-State relations and greater autonomy of the States forced Prime Minister Indira Gandhi to appoint the Sarkaria Commission in March 1983. The Commission in its report submitted in 1988 commented on this unhealthy trend in Centre-State administrative relations and made certain recommendations to reverse this trend. The Commission however did not find anything objectionable in the constitutional provisions relating to Union-State administrative relations.

1.7.4 Financial Relations between the Union and the States

Money is the life-blood of all governments. Without money no government can discharge its manifold functions. In a dual polity both the Centre and the States should have at their disposal adequate financial resources which would enable them to discharge their responsibilities under the Constitution. According to Professor Where, in a classic federation both national- and regional governments have independent and elastic sources of finance for the discharge of their responsibilities. But, as Setalvad correctly points out, Such a federation does not exist.

Our Constitution, following the scheme of the Government of India Act of 1935, has made elaborate financial provisions allocating resources either to the Centre or the States or giving both*a* share. The objective is to make an equitable distribution of the financial resources between the two units of the federation and not to divide the financial resources into two watertight compartments. The result has been the predominant position of the Centre *vis-a-vis* the States. As compared with the States, the Centre has at its disposal comprehensive and flexible sources of income. Realizing that the States would require more revenues to discharge their increasing responsibilities, the Constitution provides for (a) grants-in-aid by the Centre to the State on principles to be determined by a responsible high-powered body called the Finance Commission and (b) grants for any public purpose under Article, 288. This

means, as the Supreme Court observed in the case of *Coffee Board v. C.T.O.*, 1971, "the resources of the Union Government are not meant exclusively for the benefits of the Union activities.....the Union and the States together form the organic whole for the purposes of utilization of the resources of the territories of India as a whole." in other words, a spirit of cooperative federalism runs through the financial provisions of the Constitution.

(a) Tax Revenues and Division of proceeds

The Constitution's financial provisions may in the first place, be discussed under two heads. (1) Taxes which belong exclusively to the Centre or the States; (2) distribution of tax revenues between the Centre and the States.

1 Taxes belonging to the Centre or the States exclusively

The following taxes are levied by the Centre and collected and entirely appropriated by the Centre:

1. Customs and export duties. 2. Corporation tax. 3. Taxes on capital value of assets of individuals and companies. 4. Surcharge on income tax, etc. 5. Fees in respect of matters in the Union List.

Taxes levied and collected and retained by the States are:

1. Land revenue. 2. Stamp duty except in documents included in the Union List. 3. Succession duty, Estate duty and Income tax on agricultural land. 4. Taxes on passengers and goods carried on inland waterways. 5. Taxes on lands and buildings, mineral rights. 6. Taxes on animals and boats, on road vehicles, on advertisements, on consumption of electricity, on luxuries and amusements, etc. 7. Taxes on entry of goods into local areas. 8 Sales taxes. 9. Tolls. 10. Fees in respect of matters in the State List.11. Taxes on professions, trades, etc. not exceeding Rs.2500 per annum.

(1) Distribution of Tax Revenues:

1. Certain stamp and excise duties are levied by the Centre but collected and retained by the States (Art. 268).

2. Certain taxes are levied and collected by the Centre but are to be assigned, in accordance with a parliamentary law, to the States in which the tax has been levied: such as, duties on succession to property other than agricultural land, estate duty in

respect of property other than agricultural land; terminal taxes on goods or passengers carried by railway, sea or air and taxes on railway fares and freights.

3. Certain taxes shall be levied and collected by the Centre and distributed between the Centre and the States in a certain proportion. These are:

(a) Taxes on income other than agricultural income. The Finance Commission is to decide the principles of distribution.

(b) Excise duties as are included in the Union List, except medicinal and toilet preparations may also be distributed if Parliament by law so provides.

4. **Grants-in-aid** shall be made in each year to those States that are in need of financial assistance; particularly, for the promotion of tribal areas, including special grants to Assam in this respect.

(2) Borrowing Powers of the Centre and the States:

Realising that the Centre and State Governments would not be able to raise sufficient funds through taxation, Article 292 authorises the Central Government to borrow, upon the security of the revenues of India (i.e. the Consolidated Fund of India), either within the country or outside. The power to borrow will be determined by Parliament.

Similarly, under Art. 293, the States may raise loans upon the security of its Consolidated Fund only within the territory of India. The limits of such loans shall be fixed by the State legislation. Further, a State cannot, without the Centre's consent, raise any loan if (a) the Centre has guaranteed on outstanding loan of the State, or (b) there is still outstanding a loan which has been made to the State by the Centre.

Assessment

The Constitution's financial provisions thus have laid down a suitable framework for fruitful cooperation between the Centre and the States. In actual working, however, the financial relations between the Centre and States have been much embittered and the demand for a revision of the financial provisions to give more financial autonomy to the States have become the most important agendum in the Centre-State relations.

That the financial provisions of the Constitution are prejudicial to State autonomy and need for revision are generally accepted. First, the Centre commands very extensive and flexible resources, while the States have inflexible and unproductive tax resources. To discharge their responsibilities to the people in the States have therefore come to depend more and more on the centre's financial assistance, particularly for developmental activity and social service.

Second, though a State legislature has the power to levy any of the taxes in the State List, in cases of certain taxes such power is limited. Thus, (a) professional tax shall not exceed Rs.2500 per annum; (b) no tax shall be imposed on sale or purchase which takes place outside the State, and no tax shall be imposed on sale or purchase which takes place in the course of import into or export out of India.

Third, the Centre has deprived the States of certain sources of income by taking advantage of the provision which requires that the Centre would levy and collect certain taxes but would assign the proceeds to the States. A tax on railway fares was imposed in 1957; this had to be distributed among the States. In 1961 it was abolished and, in effect, merged with the basic railway fare which goes to the Centre. The States were thus deprived of a growing source of income. Again, by selecting only two taxes (estate duty and taxes on sale of goods in the course of inter-State trade, out of the many enumerated in Art. 269) the Centre has deprived the States of potential sources of income. Another instance is the corporation tax. Till 1969 taxes paid by companies went to the States because these formed taxes on income. Subsequently the Centre classified taxes paid by companies as corporation tax and thus appropriated to itself vast amounts. Again the Centre's device of levying surcharge and continuing it (which was to be a temporary measure) has been justifiably criticized by the States. They have demanded merging of surcharge with income so that they may have a share of it.

Fourth, grants-in-aid and loans were meant to help backward and needy States. But these have been used to ensure Centre's dominance over these States. Besides, the practice of allocating grants and loans through the Planning Commission, an extra constitutional body and subject to political pressures, have resulted in

undesirable imbalances between States because rich State shaving greater pull get more and the poor States get less.

Fifth, the Central Government's adoption of a planned economic development has been "the most important reason", to quote Morris-Jones, "for the loading of financial dice in the Union's favour." Truly, the Indian Planning Commission has formulated the Five-Year Plans after consultation with the States and taking States' plans into consideration. But while implementing a State's plan, the State Government machinery has to work under the supervision and guidance of the Planning Commission and Central Ministries. There is always a good deal of central direction on almost every conceivable subject. This has had a profound effect on Centre-State financial relations.

To conclude, the financial relations between the Centre and States have come to be contrary to the expectations of the Constitution-makers. The overwhelming financial power of the Centre has been used in such a way that the States have come to depend more and more on Central grants to carry on their development and welfare activities. The burden of indebtedness of the States to the Centre is so heavy that new loans are being raised to pay the interest on the old ones. Truly, some of the blame for this situation must rest on the States themselves, since they have been indifferent to financial discipline and reluctant to vigorous use of the taxing powers given to them. It is also true that the provisions of the Constitution do not intend to make the States self-financing. The Constitution has created the financial imbalances between the Centre and the States. The operations of the financial provisions during the last three decades have increased, instead of reducing, the financial imbalances. This failure is hardly conducive to promote the spirit of "cooperative federation". This has produced considerable discontent in all the States. Most of the States have therefore called for a revision of the financial provisions so as to give more financial powers to the States in conformity with their functions and responsibilities. The Sarkaria Commission on Centre-State relations in its report has also acknowledged the need for some revision. Among its recommendations two deserve mentioning: (1) the loan-grant pattern of central assistance should be reviewed; (2) the Constitution should be amended to

provide for the sharing of the corporation tax between the Centre and the State; (3) the terms of reference of the Finance Commission should be drawn up in consultation with the State Governments. The Commission however rejected the demand for automatic devolution of funds from the Centre to the States.

1.8 TRENDS AND TENSIONS IN CENTRE-STATE RELATIONS

Federal system is a mechanism for sharing of powers and consequently relations between the two-levels of government—the national government and regional governments—are bound to give rise to tensions at different points. Even in the classical American federalism inter-governmental relations have been a continuing subject of debate. The enormous growth in the activities of the American national government has not infrequently produced stresses and strains in the Federal-State relations, particularly the financial balance which has been more favorable to the center over the present century. But evolution of some forms of inter-governmental cooperation have kept the tensions under control. In our political system, the Centre-State relations have always been sensitive but before the 1970s the relations had not been conflicting and adversarial.

The **Fundamental Tension** in our federal system lies in the dominant role of the Centre *vis-a-vis* the States as guaranteed by the Constitution. The founding fathers of the Constitution sought to blend the need of a strong centre with the need for adequate local autonomy to build a modern nation-state in a society of enormous diversities. They made a neat distribution of powers between the Centre and the States. But there are certain constitutional provisions which emphasize hegemony of the Centre at the expense of State initiative or autonomy. Nevertheless, the Constitution provides enough scope for fruitful cooperation between the Centre and the States in carrying out the task of nation- building. But under the single-party dominated political system, the "Federalising Process" (to use the expression of Carl Friedrich) in India has not been infused with the spirit of "cooperative federalism", that is, mutual adaptation and accommodation on the basis of a consensus between unity and diversity, between centralism and pluralism, between nation and regions.

During the first seventeen years of the working of the Constitution the social and economic policies pursued by the Central Government, the adoption of the centralised economic planning with emphasis on industrialization, the establishment of an extra-constitutional authority like the Planning Commission and the Community Development Administration tended to upset the balance of power and initiative between the Centre and the States. Additionally, the informal power structure of the Congress party which dominated all parts of the country and concentration of its top leaders at the Centre tilted the balance in favour of theCentre. However, the issues of Centre-State relations (particularly its financial dimensions) were settled by Prime Minister Jawaharlal Nehru through negotiations and compromises with powerful Chief Ministers like Dr. B.C. Roy of West Bengal, Kamraj Nadar of Tamil Nadu (Madras) and Pratap Singh Kairon of Punjab. This "market- style Centre-State relations" (to use the expression of Morris- Jones) developed under Prime Minister Nehru became more obvious, after his death, under Prime Minister Lal Bahadur Shastri.

Except the controversial central intervention in Kerala in 1959, dismissing the communist government commanding absolute majority in the State Assembly, the Central Government under Nehru did not openly interfere in State politics. Though the unrivalled leader of the nation, Nehru with his democratic conviction sought to keep State politics separate from Central politics. The High Command of the Congress, of course, often played mediating and arbitrating roles between the competing factions of State Congress parties. Broadly speaking, during the premiership of Jawaharlal Nehru a strong Centre co-existing with strong States in a "Mutual Bargaining situation" characterized the Indian federal polity, though the Centre had the final authority.

The cooperative or bargaining federalism developed during the Nehru-period started crumbling after 1967 General Elections when Congress lost power to unstable non-Congress coalition governments in half the States. It began symbolically in Rajasthan with the Governor Dr.Sampurnanand's (a former Congress Chief Minister in U.P.) imposition of President's Rule (Article 356) to prevent the formation of a

non-Congress Government and to facilitate the selection of a Congress Chief Minister. Thus Prime Minister Indira Gandhi started the process of misusing Governor's discretionary powers to control States. Since 1972, after consolidating her power at the Centre and within the new Congress built by her, Prime Minister Indira Gandhi established a personalised and centralised strategy of governing the party and the country through a vigorous use of all constitutional and extra-constitutional means for the purpose. She appointed State party presidents and Chief Ministers only those who were loyal to her and had no independent base. For this purpose the Governor's office was much abused. It was under her premiership that the Governors became the eyes and ears of Delhi. The increased use of central police and intelligence forces to monitor and control regional opposition, increasing use of the resources available to the Centre for purposes of political patronage generated cross-currents, the growing regional nationalism and the success of regional parties because they better represented the aspirations and interests of people of their own regions.

To check the growing strength of regional nationalism (particularly in Assam, Punjab and Andhra Pradesh) and unable to cope with the emerging mass movement generated by deep crisis in the economy, Prime Minister imposed National Emergency in 1975 and sought to dismantle the federal institutions by 42nd Constitution Amendment Act in 1976.

The political culture thus evolved by Mrs. Gandhi did not change after her fall from power in the 1977 General Elections. The Janata Government took an unprecedented step in dismissing Congress-ruled State Governments on the specious plea that the parliamentary poll had revealed the loss of confidence of the people of these States on Congress (I) Governments.

After the fall of the Janata Government and coming back to power in 1980, Prime Minister Indira Gandhi followed the Janata precedent in dismissing (Article 356) non-Congress (I) State Governments and vigorously pursued the strategy of personal centralization of power toppling Congress (I) State Governments not willing to follow her diktat. The policy of toppling State Governments reached its nadir in 1984 when she and her son Rajiv Gandhi tried with a combination of political

manipulation, government resources and constitutional authority to unseat the duly elected Telugu Desham Government led by Chief Minister NTR but a popular outcry compelled her to reinstate NTR as Chief Minister. The growing strength of the opposition and regional parties *vis-a-vis* the Congress (I) and their incessant demand for greater "State autonomy" forced Prime Minister Indira Gandhi to appoint the Sarkaria Commission to review Centre-State relations.

Rajiv Gandhi, who succeeded to the premiership after the tragic assassination of her mother in 1984, began with the promise of a new more conciliatory approach to opposition controlled States but faltered rather quickly in the face of mounting political conflicts and failed in restoring the old balance in Centre-State relations. Confronted by election reverses in the States and revelation of his Government's involvement in questionable defense deals (the Bofors), he tried to revive his mother's centralized and authoritarian mode of political decision-making. The Centre-State relations deteriorated further as the Ninth Lok Sabha elections came nearer. His threat that if any State Government took an "Antinational Direction", which in effect meant anti-Centre, he would dismiss it regardless of whatever majority it enjoyed and his decision to deal directly with the district magistrates and implement a new Panchayat Bill without consultation with the States— marked the high-water-mark in the confrontation between the Centre and non-Congress (I) State Governments. After Rajiv Gandhi's tragic assassination and the formation of a minority Congress (I) Government at the Centre following the Tenth Lok Sabha elections, the "politics of confrontation" seemed to be replaced by politics of accommodation, of consensus. The tendency for the balance of power to move against the Centre and in favour of the States, despite the centralizing drives of previous Congress governments, has now received a fillip after 1996 General Elections which ended in the virtual rout of Congress (I) throughout the country and the formation of a United Front Government at the centre, most of its partners being regional parties, depending on Congress (I) support of course. There has been a revival of "Bargaining Federalism" developed during the early period of the Indian Republic under Nehru. Yet, the tension areas in Centre- State relations remains : sharing of revenues, allocation of resources to the States, President's Rule,

Governor's role in appointing the Chief Minister of a State and State politics, employment of central police forces in a State and so on. The tension areas can be delimited by political leadership but cannot be eliminated. The general problem with federalism is that it distributes powers on a territorial basis when the key conflicts in society are now social rather than geographical. Differences between the States do not equate with the fundamental cleavages in our plural society. Any major shift in the balance of power from the Centre to the States will lead to "Geographical Corporatism", in which central authority is held hostage by territorially based interests. Political leaders should realise that the crucial feature of most contemporary federations including the United States is the interdependence rather than independence of the various levels of government. Some adjustments in many arrangements of federal finance, in several conventions of Centre-State relations (like consultation with the Chief Minister of a State regarding appointment of a Governor and deployment of central police force in the State), even conceivably in the Constitution itself (e.g. restricting the scope of Article 356 and Governor's discretionary powers regarding appointment of a Chief Minister or dismissal of a government) may be helpful in developing healthy Centre-State relations.

1.9 INTER-STATE COUNCIL

Any federal scheme involves the setting up of dual governments and division of powers. But the success and strength of the federal polity depends upon the maximum of cooperation and coordination between the governments. Federal system is a mechanism of sharing of powers and hence tensions between the Centre and States in India are inherent in this arrangement. Controversies between the States *inter se* and between the Centre and States are normal. Aware of the constitutional history of many countries governed by federal constitutions and the problems that had arisen there concerning the Centre-State relationship, our Constitution- makers have made elaborate provisions for the resolution of disputes between the Centre and the States and the States *inter se.* As a measure for securing "coordination between States"—that is the heading of Article 263— the establishment of an Inter-State Council was provided. Article 263 empowers the President to establish an Inter-State

Council if at any time it appears to him that public interests would be served thereby. Though the President is given the power to define the nature of the duties to be performed by the Council, the Constitution outlines the three-fold duties assigned to this body. They are:

a. To inquire into and advise upon disputes which may have arisen between States;
b. To investigate and discuss about subjects in which some or all of the States, or the Union and one or more of the States have a common interest, e.g. research in such matters as agriculture, forestry, public health; and
c. Making recommendation for coordination of policy and action relating to such subject.

Thus the duties with which the Inter-State Council under the Constitution can be charged are limited; in a certain sense they are advisory in the case of inter-State disputes and recommendatory in the case of subjects -having a common interest. Yet, Article 263 does not have any clause restricting the functioning of the Council. In fact, as Dr. B.L.Maheswari, has pointed out the discussions in the Constituent Assembly were not very illuminating on this subject. However, the President has the power to define the nature of the Council's duties. It's true that the Inter- State Council would be largely consultative in nature. Neither legislative functions nor any judicial or executive functions could be delegated to an institution of this nature; it would act as *a* forum for creating harmony between different units of the federation, between States themselves and between the Union and the States. Development of coordination and federal cohesion—that is the primary object of an Inter-State Council. Being aware that many facts of political life including the Centre-State relations which have a legal basis are essentially political, the Constitution- makers have provided a machinery for evolving political solutions.

Until 1967 the need for the establishment of an Inter-State Council was not felt because Congress was in power at the Centre as well in all the States and all Centre-State or inter-State conflicts, which more like family disputes, were resolved within the framework of the dominant party's decision-making process. With the

emergence of non-Congress governments in different states the party machinery could not be utilized for the inter-governmental disputes. Moreover, the inter-party conflicts assumed the shape of inter-governmental conflicts and the era of the "Politics of Consensus" was largely replaced by the "era of politics of confrontation". The emergence of the Centre-State relations as an important national issue called for the establishment of an Inter-State Council and the Administrative Reforms Commission in its 1969 report recommended that for the resolution of conflicts the dormant constitutional provision (Article 263) should be brought to life. But the recommendation was not implemented. Instead, the President established a Central Council of Health, a Central Council of Local Self-Government and a Transport Development Council for the purpose of coordinating the policy of the States relating to these matters. The creation of these fragmentary bodies to deal with specific matters however could not fulfill the primary object of an Inter-State Council which is coordination and federal cohesion.

The Sarkaria Commission has recommended the constitution of a permanent Inter-State Council, which should be charged with the duties set out in (b) and (c) of Art. 263. Such a Council, consisting of 6 Union Cabinet

Ministers' and the Chief Ministers of all the States, was created in April, 1990, by the National Front Government led by Sri V.P. Singh. At the first meeting of the Council held in New Delhi on October 10, Prime Minister V. P. Singh offered to institutionalize the procedure for regular consultation between the States and the Centre in order to have a regular review of Centre-State relations. The meeting decided to call a meeting of the State Finance Ministers to resolve differences on the issue of compilation of the list of exemptions from inter-State consignment tax. A standing committee, headed by the Union Home Minister, was formed with adequate representation of State Governments to hold in-depth discussion on Sarkaria Commission's recommendations. The standing committee held three meetings till 15th January 1992 and discussed various recommendations of the commission on reservation of state bills by Governors for Presidential assent, the practice of repeated promulgation of ordinances, deployment of the central police forces in the State,

Check Your Progress

7. Who is the ex-officio chairman o the Inter-State Council?

8. What are the threefold duties given by the Constitution to the Interstate Council?

9. What does Artic 312 of the Constitution provide?

safeguards against the misuse of President's Rule, etc. The standing committee" agreed in principle that the Centre should consult the States individually and collectively before introducing legislation on a subject of the Concurrent List. The standing committee of the Inter-State Council however could not achieve any results. The Inter-State Council remained dormant till 1997 when the first United Front Government revived it from the limbo. But the meeting of the Council failed to impress. Reconstituted by the National Democratic alliance Government on 28th October 1998, the Inter-State Council held its fifth meeting on 22nd January 1999. Its Standing Committee was also reconstituted. The Standing Committee met twice but its progress on issues like Article 356 and Sarkaria Commission's report has not been encouraging.

The Inter-State Council as it has been constituted with the Prime Minister as its ex-officio Chairman, is a part and parcel of the power structure in the country, reinforcing and being reinforced by other power centres in the political system. Properly activated, the Inter-State Council is expected to act as a forum for creating harmony between different units of the Indian federation, between States themselves and the Union and the States. It will enable to arrive at a consensus of balance between unity and diversity, that is, between nation and regions. It is the duty of the Prime Minister to give the State Governments a feeling of partnership and sharing in decision-making on Centre-State and inter-State disputes and accords.

1.10 ANSWERS TO CHECK YOUR PROGRESS:

1. Prof. K.C.Wheare
2. Union List, State List & Concurrent List
3. Union of States
4. Answer in chapter 1.3
5. Answer in chapter 1.4
6. Answer in chapter 1.3
7. Prime Minister
8. Answer in chapter 1.9
9. Answer in chapter 1.7

UNIT I
LESSON 2

LOCAL SELF GOVERNMENT

UNIT STRUCTURE

2.1 The Beginning of Panchayati Raj
2.2 Structure and Functioning of Panchayati Raj
2.3 Changes in the Panchayati Raj System : 73rd Constitution Amendment Act
2.4 Panchayati Raj System in West Bengal
2.5 Changes in Urban Local Government :74th Constitution Amendment Act
2.6 Answers to Check Your Progress

The Constitution (73rd Amendment) Act, 1992 and the Constitution (74th Amendment) Act, 1992 which give constitutional recognition to the Panchayats and Municipalities as institutions of local self- government have opened a new era for **"Grass Roots Democracy"** in the country. Democracy to be meaningful and welfare-oriented implies decentralization. Devolution of power from the higher to lower levels is a necessary method in a democratic polity. The Panchayati Raj institutions, acting as the units of self-government at the lowest level, will ensure people's participation in running their own affairs and will thus become a system of "Grass Roots Democracy", linking the lower rungs of power to the higher apex of authority. Lord Bryce said, "The best school of democracy and the best guarantee for its success is the practice of local self-government." The "Grass Roots Democracy" is the modern version of direct democracy.

2.1 THE BEGINNING OF PANCHAYATI RAJ

Studies of ancient and medieval India have revealed the existence of village panchayats as the base of traditional Indian polity. Charles Metcalfe called the village panchayats as "little republics", which lasted when nothing else could last. The traditional panchayat system was however disrupted by the British Raj. As early as 1909- 1910 the Indian National Congress had adopted a resolution for the revival of

the village panchayats. Gandhiji desired for the replacement of the colonial bureaucratic structure by a decentralized form of Government based on the revival and reorganisation of traditional forms of local self-government (the *panchayats)* down to the village level. The Constituent Assembly however did not take Gandhiji's views seriously. The Assembly paid lip-service to Gandhiji's views by incorporating Article 40 in the Directive Principles of State Policy which reads: "The State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of local self-government". The entire structure of the British district administration was retained. With the beginning of the First Five Year Plan and the introduction of community development programme in 1952, new administrative hierarchies were added. New political and administrative problems came to the surface; the disappointing response of the masses of rural India to the CD programme, the failure of the CD programme in stimulating self- help plus the exploitation of the CD programme by dominant sections of the rural community to their advantage brought home the truth that only the "transformation of the traditional power relations in village life by a thoroughgoing introduction of democratic local bodies with real powers" was the only remedy.

In 1956 the Government of India under Jawaharlal Nehru appointed a committee under the Chairmanship of Balwantrai Mehta, a leading Congressman, to look into the whole question of decentralisation of power at the local level. The Committee in its Report (1957) recommended democratic decentralization of power to the sub-district level to make possible popular participation in decision-making at the local level and to "put the bureaucracy under local popular control." The Central Government accepted the basic recommendations of the Mehta Committee regarding Panchayati Raj: a three-tier structure (Gram Panchayat, Panchayat Samiti and Zila Parishad) involving genuine transfer of power and responsibility with regard to planning and implementation of development programmes, endowed with adequate financial resources and facilitating further devolution and dispersal of power and responsibilities in the future. Thus from 1958 to 1963 Central Government promoted Panchayati Raj as matter of national policy and State Governments were pressured to

adopt some form of democratic decentralization and to involve the people down to village level directly in the planning process keeping in view the vastness of the country and varied complexities of socio-economic and political conditions in different parts of the country, the Government did not press for a rigid uniformity but gave full scope for the states for trying out various patterns and alternatives according to local conditions.

2.2 STRUCTURE AND FUNCTIONING OF PANCHAYATI RAJ

The Panchayati Raj inaugurated in 1959 was meant to stimulate development by devolving some political authority for it on to a system of local self-government in the countryside, encouraging and funding Government's developmental efforts ("Community Development Programme") and coordinating them with the efforts of bureaucrats and State politicians. Panchayati Raj was to provide India's villages with local government was statutory rather than conventional, democratic rather than oligarchic and oriented to change rather than to preserving the status quo. The general scheme of the Panchayati Raj introduced in 1959, with variations in details and names from State to State is as follows :

a. Gram Sabha and Gram Panchayat:

At the village level, recognised as the basic unit of the system, there are two institutions: Gram Sabha and Gram Panchayats. Gram Sabha is the general body of local citizens comprising all the eligible voters in the village or a small cluster of villages. By universal adult suffrage, Gram Sabha elects Gram Panchayat for a period of 3 to 5 years. Gram Panchayat is the first executive tier of the Panchayat Raj System having its jurisdiction over a village or a cluster of villages. From the Panchayat level upward, Panchayat Raj Councils are often required to co-opt women members and members from Scheduled Castes or Tribes if none are elected. In some States, Gram Panchayats elect their presidents *(sarpanchas),* while in others they fire elected separately by popular vote.

b. **Panchayat Samiti:**

Located at the Block level there is the Panchayat Samiti which is the kingpin of the Panchayat Raj system. A Panchayat Samiti consists of the presidents of all Gram Panchayats within a development block and other *ex-officio* members (Block Development Officer, Chairman of the Primary Cooperative Development Bank, Director of the District Cooperative Central Bank, co-opted women members and members from Scheduled Castes and Tribes and other backward classes. The MLA, MLC and MP of the area are also its associate members. In all States Panchayat Samitis are to monitor developmental work carried on by the Government. These are the institutions in the Panchayati Raj structures with most immediate effect on rural development. From its elected members, Pajichayat Samiti elects its own president, called the *Pradhan* or *Pramukh.*

c. **Zila Parishad:**

At the apex of the Panchayat Raj system, is the Zila Parishad (District Council), located at the district level. It comprises the presidents of all Panchayat Samitis as *ex-officio* members; MLAs, MLCs and MPs of the area as associate members; (co-opted women members and members of Scheduled Castes, Scheduled Tribes and backward classes; and representatives of cooperative societies in the area. The Chairperson and the Vice- Chairperson of Zila Parishad are elected by the presidents of Panchayat Samitis in the district. The Zila Parishad's main functions are: coordinating, between the Panchayat Samitis and giving suggestions to the State Government regarding developmental activities in the district.

Rajasthan and Andhra Pradesh were the first two States toimplement the standard model of the three-tier system as recommended by the Balwantrai Mehta Committee and later by seven more States. But other States adopted different patterns. In West Bengal there were four tiers—Gram Panchayat, Anchal Panchayat, Anchalik Parishad and Zila Parishad. In five States (Assam, Madhya Pradesh, Haryana, Karnataka and Orissa) there was a two-tier system—Gram Panchayats and Panchayat Samitis; in four States (Jammu and Kashmir, Kerala, Manipur and Tripura)

there was only one tier— Gram Panchayat. In Arunachal Pradesh, Meghalaya, Mizoram and Nagaland, the units of grass-roots administration were Tribal Councils.

However the Panchayati Raj system which was launched in 1959 with the intent to grant power to the people at the grass-roots level suffered from neglect and stagnation since 1965. Most political leaders were reluctant to devolve much power to the district level and below for they feared that such local institutions, if given real powers, would be alternative sources of political influence and patronage. And this would threaten their own abilities to exercise influence in the district and to use such influence as bases of their own power at the State level. It was the sheer calculations concerning the maintenance of power at the State level that led to the introduction of Panchayati Raj institutions in particular States e.g. Andhra Pradesh Congress Government adopted Panchayati Raj institutions so as to use them to counter the communists in the rural areas. On the other hand, whenever and wherever the ruling party felt threatened by a potential loss of power to other parties or a new faction of the ruling party wanted to displace rival local leadership, Panchayati Raj institutions were either suppressed or superseded.

In their working, the Panchayati Raj institutions failed to pass on the fruits of democracy to the poor and weaker sections of society because they were dominated mostly by economically and socially privileged people. This has facilitated the emergence of an oligarchy of upper landed classes and castes and denied benefits to the weaker sections. The institutions have also suffered from casteism, corruption, inefficiency, political interference and lack of financial resources.

In 1977 the Janata Government appointed a new committee comprising the members belonging to different political parties under the Chairmanship of Ashok Mehta to assess the problems faced by Panchayati Raj institutions and to make proposals to remedy them. The committee submitted its report in 1978 but the Janata Government did not remain in power for long to begin a national policy process of promoting the adoption of the new scheme of Panchayati Raj, with two tiers (Mandal Samitis and Zila Parishad) and having considerably more powers of taxation. However Panchayati Raj institutions were revived or recast along the lines of Ashok

Mehta Committee recommendations primarily in Non-Congress States where they have been used as instruments for establishing alternative rural power bases for non-Congress parties.

In West Bengal the Left-Front Government led by CPI (M) after coming to power in 1977 revived the original three-tiered system in conformity with Balawantrai Mehta Committee report. By holding regular elections to the Panchayat bodies the Left Front Government has been able to displace the dominant landed classes by smaller landholders, teachers and social workers in those bodies. The rejuvenated village Panchayats enabled the Left Front Government to implement agrarian reforms, notably registration of sharecroppers for purposes of tenancy reform and provision of loans and identification of beneficiaries for anti-poverty programme. In 1986 the Government of India appointed a committee under the chairmanship of Dr.L.M.Singhvi to look into the problems of Panchayati Raj institutions. The committee in its report made three important recommendations: constitutional recognition of Panchayati institutions; holding of regular elections under the aegis of an Election Commission; granting of taxing power and constituting a Finance Commission in each State. These formed the backbone of the 73rd and 74th Constitution Amendment Acts, 1993.

2.3 CHANGES IN THE PANCHAYATI RAJ SYSTEM : 73RD CONSTITUTION AMENDMENT ACT

The Constitution (73rd Amendment) Act, 1993, might be regarded as heralding a new beginning in the life of the Panchayati Raj. It has been universally acknowledged that the Panchayati Raj institutions established in 1959 have become ineffective in many States due to a number of reasons: (a) the failure to hold regular and periodic elections; (b) prolonged supersession of the institutions; (c) insufficient representation of weaker sections like Scheduled Castes, Scheduled Tribes and women; (d) lack of financial resources; and (e) half-hearted devolution of power and responsibilities. The Constitution (73rd Amendment) Act inserts Part IX into the Constitution, entitled *The Panchayats* and gives constitutional sanction and structural legitimacy to the Panchayats for the first time. The amendment provides that the State

Legislatures shall make laws for the organisation of Panchayati Raj bodies, which shall define the mode of composition, strength of the members including reservation of seats in conformity to the constitutional provisions for establishing Panchayats. The following is a summary of the important constitutional provisions:

i. Every State shall have a three-tiered structure with elected Panchayat bodies at the village and district levels and at the intermediate (block) level. Thus the structural pattern suggested by Balwantrai Mehta Committee (1957) was made obligatory for all States. Exceptions however have been made in respect of States having a population of less than two million; such States need not have the intermediate level Panchayats; in other words, those states may adopt a two-tiered structure.

ii. Apart from *ex-officio* members (e.g. M.L.A., M.L.C., M.P.) at every level, the Chairperson of a Panchayat and other members shall be chosen by direct election, every 5 years.

iii. No Panchayat can be suspended or superseded for long; fresh elections would have to be held within six months.

iv. Seats shall be reserved for Scheduled Castes and Scheduled Tribes in proportion to their population in the area, but 1/3 seats shall be reserved for women under such category.

v. A person shall be disqualified for being a member of the Panchayat if he holds any office of profit under the Central or State Government, or is of unsound mind (declared by a competent court) or is an undischarged insolvent, or is disqualified under any law in force. In case of any dispute, the Governor is the sole authority to decide.

vi. Every State shall have a State Election Commission to conduct Panchayat elections.

vii. The State Legislatures shall make laws for devolution of powers and responsibilities to the Panchayats at different levels, especially with regard to

preparation of plans and implementation of schemes for economic development and social justice.

viii. Under XI Schedule added to the Constitution the Panchayats will have powers on 29 items such as agriculture and agricultural extension, land improvement and soil conservation, minor irrigation and water management, animal husbandry, fisheries, small-scale industries, rural electrification, primary and secondary education, etc.

ix. In order to provide sound finances to the Panchayats the State Legislatures shall make laws: (a) to authorise a Panchayat to levy, collect and appropriate certain taxes, duties, tolls and fees for its activities; (b) to assign to a Panchayat such taxes, duties, tolls and fees levied and collected by the State Government for such purposes; (c) to make provision for giving grants-in-aid to the Panchayats from the Consolidated Fund of the State.

x. To guarantee financial autonomy of the Panchayats, the constitutional amendment provides that every five years the State Government shall constitute a Finance Commission to review financial position of the Panchayats and make appropriate recommendations to the Governor. This is, perhaps, the most important feature of the 73rd Amendment Act.

xi. The State Legislatures shall also make laws for the maintenance of accounts of Panchayat bodies and their auditing.

Thus the 73rd Constitution Amendment Act marked a new era in the Panchayat Raj in the country. On 24 April, 1994, the Union Ministry of Rural Development circulated a model bill to the States to enable them take quicker action for extension of participatory democracy at the grass-roots. Barring a few States like Bihar, most States have restructured the Panchayats in accordance with the model bill within a year. There remains however a question marks. The constitutional amendment seeks at best a structural change. The success of the Panchayat Raj depends not simply on laws but on the rising democratic consciousness of the rural masses to use Panchayats as instruments of social change and social justice, through

struggle against vested landed interests and corruption, casteism in the Panchayat bodies as well as political criminality.

2.4 PANCHAYATI RAJ SYSTEM IN WEST BENGAL

In West Bengal the Panchayati Raj System was launched in 1957 when the State Assembly passed the West Bengal Panchayat Act. After the enactment of West Bengal Zila Parishad Act, 1963, a four tiered system came into being—Gram Panchayat, Anchal Panchayat, Anchalik Parishad and Zila Parishad. However, the process of granting power to the people at the grass-roots level stagnated since the sixties due to several factors: breakdown of the Congress regime in West Bengal, political instability, the drive for centralisation of power instead of decentralisation of power, Indo-Pak war. In 1973 the Congress State Government enacted a new Panchayat Act which replaced the four-tiered system by a **three tiered system.** The new system was enforced in 1974 but no elections to Panchayat bodies were held. It was in 1978 the Left-Front Government led by the Communist Party of India (Marxist) held elections to the Panchayat bodies. Since then elections to the Panchayati Raj institutions have been regularly held.

Structure

The Panchayat Raj system today, as set up under the West Bengal Panchayat Act, 1973 and amended in 1993 in conformity to the 73rdConstitution (Amendment) Act, is a three-tiered system:Gram Sabha and Gram Panchayat at the village level, Zila Parishad at the district level with Anchal Panchayat at the intermediate level.

i. Gram Sabha and Gram Panchayat:

At the village level, recognised as the basic unit of the system, there are two institutions—Gram Sabha and Gram Panchayat. The Gram Sabha is the general body of the local citizens comprising all the eligible voters in the village or group of villages over which the Gram Panchayat, as the executive committee, exercises its jurisdiction. It meets twice a year, the date and time and place of the meeting as determined by the Gram Panchayat. The meeting is presided over by the Pradhan, or in his absence Upapradhan, of the Gram Panchayat. The Gram Sabha is to act as the

watch-dog of the Gram Panchayat. Its main functions are: (i) approval of the administrative report of the Gram Panchayat; (ii) to approve the annual budget, and the accounts and audit report of the preceding year; (iii) to approve the developmental programmes; (iv) to consider and approve taxation proposals.

The Gram Panchayat, consisting of a minimum of 5 members and maximum of 25 members, is elected by the Gram Sabha, through secret ballot for a period of 5 years. Seats are reserved for Scheduled Castes and Scheduled Tribes in proportion to population of the Gram Panchayat area. One-third of the elected seats in each Panchayat are also reserved for women.

The first meeting of the Gram Panchayat is convened by the Block Development Officer in order to elect the President *(Pradhan)* and Vice-President (Upapradhan) by the elected members from among themselves for a 5-year term.

Elections to Gram Panchayats are to be held before its term expires. However, under special circumstances the State Government may extend the life of village Panchayats to not more than six months at a time. The Gram Panchayat is required to meet at least once every month, after giving four days' notice. The Pradhan, or Upapradhan in his absence, presides over the meeting. In case both are absent, members present elect from among themselves someone to preside over the meeting.

The main **functions** of Gram Panchayats can broadly be divided into obligatory and discretionary functions, including civic, social, welfare, agricultural and developmental activities. The principal **obligatory functions** are: a) maintenance of public health, drainage and sanitation; b) measures against malaria, small-pox, cholera and other epidemics; c) maintenance of wells and tanks; d) provision of water supply for domestic use; e) removal of unauthorized occupation of public places;f) management of public tanks, common pastures,burning ghats and burial grounds; g) maintenance of budget and accounts of Gram Panchayat; h) levying and collection of taxes and rates under the powers granted by the Panchayat Act; i) supervision and control of "dafadars" and "chowkidars" of the Panchayat area.

The main **discretionary functions** include : a) lighting of the village streets; b) preparation and execution of the village agriculture and irrigation plans, as well as plans for the promotion of cooperatives cottage and small-scale industries; c) digging of wells and tanks; d) planting of trees on road sides and their maintenance; e) maintenance of libraries and reading rooms, and holding of village fairs; f) collection and maintenance of records and statistic regarding registration of births, deaths and marriages, record of the village cattle and land management.

In addition to the above, Gram Panchayats are required to perform certain duties entrusted to them by the State Government such as primary and vocational education, establishment of village dispensaries and health centres and maternity centres, rendering assistance to the implementation of land reforms act, etc.

The main **sources of income** of Gram Panchayats are: a) income from taxation on property, enterprises or factories in the Panchayat area; b) Income from Cess on land revenue and taxes am rates imposed by the Panchayat; c) Grants-in-aid from the State Government; and d) loans granted by State Government or Central Government.

There is provision in the Panchayat Act for setting up Nyaya Panchayats (judicial panchayats) for providing speedy and inexpensive system of justice to the villages. Its jurisdiction is to try petty civil suits relating to movable property having the maximum value of Rs.250 and minor offences. Nyaya Panchayats cannot aware imprisonment for any offence, but can impose only fines. However, the State Government has not permitted Gram Panchayats to set up Nyaya Panchayats.

ii. Panchayat Samiti:

The second or the intermediate tier in the Panchayat Raj System is the Panchayat Samiti, the kingpin of the system. It is located at the block level and the vital link between the village and the district. It comprises the following categories of members : (i) Pradhans of all the Panchayats within the block *(ex-officio);* (ii) minimum 3 members elected by voters in each village within the block; (iii) all the MLAs and MPs (not being ministers and without right to vote); (iv) members of Zila

Parishad elected from the block (excluding chairman and vice-chairman); (v) persons representing Scheduled Castes and Scheduled Tribes as well as women whose memberships are reserved in the same way as in the case of Gram Panchayats. The Panchayat Samiti at its first meeting elects the president and vice-president from among its non-official members. The term of office of all the non-official members is 5 years. Election to the Panchayat Samiti is to be held before its term expires, unless the term is extended by the State Government under special circumstances for a period of not more than six months at a time.

The general body of the Panchayat Samiti meets once in three months. The meeting is presided over by the President or, in his absence the Vice-President, of the Panchayat Samiti. The meeting will be valid if at least one-fourth of the members be present, called "quorum".

Broadly, there are three **functions** of the Panchayat Samiti:

a. ***Community Development Functions***—to plan and implement production and social welfare programmes, especially with regard to agriculture, irrigation, animal husbandry and fisheries, cottage and small industries, cooperatives, education, health, communications and social welfare including women's welfare, emergency relief and self-help programmes.
b. ***Delegated Functions***—to implement and coordinate the policy directives of the State Government with regard to development programmes.
c. ***Supervisory Functions***—to supervise the work of the Gram Panchayats, examine and modify the budget of the Gram Panchayats and make re-appropriations and impose new taxes.

The main **sources of income** of Panchayat Samitis are—(i) taxation accruing from part of the land revenue; (ii) grants-in-aid given by the State Government; (iii) income from road tax, rates and fees; (iv) financial assistance from Zila Parishad; (v) income from property, institutions and factories under the control and management of the Panchayat Samiti.

iii. Zila Parishad:

At the apex of the Panchayati Raj system is Zila Parishad located at the district level. Its composition includes: (i) 2 members elected by the voters of each block, within the district; (ii) presidents of the Panchayat Samitis *(ex-officio);* (iii) MLAs and MPs of the area.A part of the elected seats are reserved for Scheduled Castes and Scheduled Tribes and women.

Zila Parishad in its meeting elects its Chairman and Vice- Chairman. The term of Zila Parishad is 5 years, Elections are to be held before the term expires unless the State Government, under special circumstances, extends the term for not more than six months at a time.

The principal **functions** of Zila Parishads are:

a. ***Coordinative and Supervisory***—to coordinate and consolidate the developmental plans prepared by the blocks' in the district, and to exercise general supervision over the activities of the Panchayat Samitis and the Gram Panchayats;
b. ***Developmental***—to generally look after the developmental work of the district and secure the execution of developmental plan and projects relating to agriculture, animal husbandry, fisheries, cottage and small-scale industries, irrigation and water supply, etc.
c. ***Civic***—to build and maintain public roads, bridges, culverts, buildings, etc., and look after rural broadcasting and community centres, etc.
d. ***Welfare***—to establish markets, hold fairs and festivals, run libraries, dispensaries, public health and family planning centres, maternity and child welfare centres, provide relief in times of scarcity and distress, and establish, maintain, inspect and expand schools at all levels, including technical and industrial schools.
e. ***Advisory—to*** tender advice to the State Government relating to developmental activities in the district and regarding project implementation assigned by the Government;

f. ***Examine***—to examine and approve the budgets of Panchayat Samitis and distribute the funds allotted to the district by the Central or the State Government among the Panchayat Samitis.

The main **sources of income** of the Zila Parishad are : a) grants- in-aid from the Central or State Government; b) shares in land revenue; c) funds allotted by the State Government for developmental activities; d) income from road tax, rates and fees; e) income from schools, dispensaries, property under the control and management of Zila Parishad; f) donations and contributions.

Assessment

The Panchayati Raj system in West Bengal which has struck deep roots within twelve years of Left Front Government regime since 1977 is the most sincere realization of the nationalist leadership's dream of "Grass Roots Democracy" and rural development. Gram Panchayats have been the principal agency for the implementation of agrarian reforms, notably registration of sharecroppers for purposes of tenancy reform and provision of loans and identification of beneficiaries for anti-poverty programmes. Holding four Panchayat elections since 1978 has raised political consciousness of illiterate rural masses and dealt a powerful blow to the traditional rural power structure, the dominance of the upper landed classes. However, the downward devolution of power stands arrested and power remains entrenched in the hands of the rising middle strata of the ruralsociety. Secondly, some local leaders are prone to look to the system as an opportunity for their own betterment and as a good chance for exercise of power and patronage. Thirdly, lack of enforcing accountability by the Gram Sabha has created opportunities for corruption. However, it is expected that the attempts made by the State Government to train up the Panchayat Raj functionaries in proper spirit and to thoroughly establish audit of accounts and accountability on a sound basis will build a healthy system.

2.5 CHANGES IN URBAN LOCAL GOVERNMENT :74TH CONSTITUTION AMENDMENT ACT

Like the Panchayati Raj institutions, the urban local bodies of administration (Municipal Corporations in cities like Mumbai, Kolkata, Chennai, Delhi, Patna, Ahmedabad, Hyderabad, Bangalore and Kanpur and Municipalities in other towns and urban areas) have not been able to function as effective, and vibrant democratic units of self-government due to various reasons, including irregular holding of elections, inadequate devolution of powers and inadequate finances. The 74th Constitution Amendment Act has introduced structural changes in urban local administration, called the Nagarpalika system. The Act provides for the setting up of three categories of Nagarpalikas. The first category comprises the Nagar Panchayats for a population between 10,000 and 20,000. These settlements represent a transitional phase between a village and a town. It would be a Nagar run by a Panchayat. The second category covers Nagarpalikas or Municipal Councils for a population between 20,000 and 3 lakhs. The third category is of Nagarnigams or Municipal Corporations for population above 3 lakhs. Below is a summary of the important provisions of the Act.

CHECK YOUR PROGRESS:

1. Discuss about the structure and functioning of the Panchayati Raj System

2. What are the functions of the Gram Sabha?

3. What is the modern version of Direct Democracy?

4. What are the functions of the Zilla Parishad.

1. The State Legislature shall by law determine the strength and composition of these bodies, the number of seats reserved for Scheduled Castes and Scheduled Tribes and other weaker sections of the society, including women.

2. The members of such bodies shall be elected directly by the voters of territorial constituencies, including the Chairperson of such a body.

3. The State Legislature shall make law for election to these bodies under the superintendence and direction and control of the Chief Electoral Officer of the State.

4. Elections to these bodies shall normally be held every five years. No such body can be suspended or superseded for long; fresh elections must be held within six months from the date of dissolution (if made earlier)

ANSWERS TO CHECK YOUR PROGRESS:

1. Refer chapter 2.2
2. Refer chapter 2.2
3. The "Grass Roots Democracy" is the modern version of direct democracy.
4. Refer chapter 2.4

UNIT 2
LESSON 3
POLITICALPARTIES

UNIT STRUCTURE

3.1 **Indian Party System : Features**

3.1.1 A Multi-Party System

3.1.2 Rapidly Changing Party Structures

3.1.3 Dominant Position of the Congress during 1947-89

3.1.4 Presence of a Recognised Opposition and Growing role of Parties in Opposition

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3.1.7 Large number of Regional and Local Political Parties

3.1.8 Power-sharing between National and Regional Political Parties

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3.1.16 Large Number of Independent Candidates in Elections

3.1.17 Politics of Populism

3.1.18 Resort to Direct Action or Extra Constitutional Means

3.1.19 Politics of Opportunistic Alliances

3.1.20 Dawn of the era of Coalition Politics

3.1.21 System of Recognising Parties as National Political Parties, Regional Political Parties and State Parties

3.1.22 Answers to Check Your Progress

As a liberal democratic political system with a parliamentary form of government, Indian political system has been living with several political parties-national, regional, and local-who remains continuously engaged in the struggle for power. In the pre-independence years, Indian National Congress established in 1885 as the first organized political party of Indians. Later on in 1906 Muslim League, in 1916 the Hindu Mahasabha and in 1924, the Communist Party was formed. After independence, the adoption of a full- fledged democratic constitutional system set the stage for the emergence of several political parties. In 1951-52 First General Elections, as many as 14 national and 50 state level political parties participated in the political process. However, only four political parties—Congress, PSP, Communist Party and Jana Sangha—could gain recognition as national level parties. Since then the number of political parties has been steadily increasing. The nature of the party system has also been continuously changing due to splits in the existing parties as well as due to the emergence of new parties. BJP, Congress, BSP, CPM, CPI, NCP, FB, KC, BJD, AGP, SAD, TDP, DMK, AIADMK, SP, Janata Dal (S), Janata Dal (U), JMM, ML, National Conference, TMC, Shiv Sena, Trinamool Congress, PMK, SP, Jan Shakti, Lok Bhalai Party, Lok Shakti Party and several others, have all been active in Indian politics.

3.1 **Indian Party System: Features**

The following can be described as the main features of the Indian Party System:

3.1.1 **A Multi-Party System:**

As a land of social pluralism, India has been a natural home for a multi-party system. Even before the dawn of independence, there had appeared four major political parties—Congress, the Muslim League, Hindu Mahasabha and the Communist Party. After the dawn of independence and because of the adoption of parliamentary democracy, the stage was set for the birth of new political parties. \

Besides the above four, Jan Sangh, PSP, SSP, DMK, and National Conference came into being and gradually their number began increasing. Republican Party,

Janata Party, Janata Dal, Jharkhand Mukti Morcha, Assom Gana Parishad and several others came to be organised. Presently there are several major parties both national and regional—Congress, BJP, BSP, CPI, CPM, NCP, LJP, Janata Dal (U), Janata Dal (S), BSP, SP, AIADMK, DMK, Telugu Desham, SAD, BJD, RLD, RJD, SP, JDS, PDP, TCM, ML, and many others. We can legitimately say that there are almost 50 active political parties, national as well as regional in the Indian Political System. Six stand recognised as national level political parties (BJP, Congress, CPI, CPM, BSP, NCP) while 30 parties are active state level (Regional) political parties. In addition to these there are about 400 other registered parties.

Initially, the party system in India worked as a single party dominant multi-party system. However, since 1989 it has been working as a real multi-party system. The opening of the age of coalition governments has given strength to the multi-party system of India.

3.1.2 Rapidly Changing Party Structures:

The party structure in India has been continuously and rapidly changing due to splits, defections, alliances and counter-alliances. Almost every political party has been living through these. The Congress experienced four big splits in 1969, 1977, 1995 and 1999. In 1999 the Nationalist Congress Party emerged out of a split in the Congress. In fact, several political parties like Trinamool Congress, TMC and some others have come out of the Congress as a result of splits. Around 1964, the Communist Party suffered a split and CPI and CPM emerged on the Indian, political scene. In 1977, the party system underwent a big change when Jan Sangh, Bhartiya, Lok Dal, Socialist Party, Congress and Congress rebels combined to form the Janata Party. In May 1977, Congress for Democracy (CFD) joined it to swell its ranks. In 1978, the Congress suffered another split when Congress (U) was formed by rebel Congressmen who were led by Devraj Urs. In 1979, however, the Janata Party suffered a split when Janata (S), *i.e.,* Lok Dal separated itself from this party. In April 1980, the former Jan Sangh members parted company and formed the Bhartiya Janata Party (BJP). In 1988, the Janata Party, the Lok Dal and the Jana Morcha combined to form Janata Dal. In 1990, Janata Dal (S) was formed out of the Janata Dal. During

1991- 2001; the Janata Dal suffered atleast four splits or mass defections. The SAD, the DMK, the TDP, the LD and several other regional parties have also suffered splits and these have been a source of big political changes in the state politics. In January 2004, the NCP suffered a split when Sh. PA Sangma left it to form his own party.

3.1.3 Dominant Position of the Congress during 1947-89:

The Indian multi-party system initially worked as one party dominant multi-party systems. Between 1947-67, the Congress dominated fully the Indian political scene at the national and state levels. It got 354, 371, 361 seats in 1952, 1957 and 1962 General Elections respectively. In 1967 it got 283 seats in the Lok Sabha. A split then came into its way which forced it to depend upon the CPI and DMK for support. Non-Congress governments came to power in several states. But it proved to be a short-lived change because in 1971 elections, the Congress again got 352 seats in the Lok Sabha. Between 1971-74, the Congress retrieved its formidable position both at the Union and State levels. However, the emergency rule imposed by it during June 1975 to March 1977, reduced its popularity to very low ebb and it suffered a big defeatin March 1977 elections. A united opposition (the Janata Party) was successful in defeating it. However, the internal factionalism in the Janata Party in 1979, again set the stage for the re-emergence of the Congress as the dominant party of Indian Political System in 1980 elections.

In 1984, the Congress scored a very spectacular victory when it got 411 seats in the Lok Sabha. But around 1987 the Congress began suffering a decline in its popularity. In the 1989 elections it could get only 193 seats and in 1991 it got 224 seats. In both these elections, it failed to secure a majority. In 1989, it decided to sit in the opposition. But in 1991, it decided to form the government at the Centre. At the state level also though it improved its position, as compared to its position in 1989, yet it failed to regain full strength. Between1991-97, the popularity of the Congress party kept on changing. In November 1993, it was successful in securing a majority in the Lok Sabha. However, in elections to state legislative assemblies and to the 11th Lok Sabha held during 1991-97, it suffered big reverses. In 1996 it got 140 Lok Sabha seats, in 1998, 141 and in 1999 it got only 112 seats in the 13th Lok Sabha. In

the 14th Lok Sabha (2004) the Congress got 145 seats and as the leader of United Progressive Alliance it once again came to power. It is now in power in Delhi, Assam, Maharashtra (in coalition with NCP) Punjab, Uttranchal, Sikkim, Andhra Pradesh, Kerala, Arunachal and J & K (coalition with PDP). But it still continues to be weak at the national level (dependence upon left parties and RJD) and in UP.

3.1.4 Presence of a Recognised Opposition and Growing role of Parties in Opposition:

Initially when Indian Party System was working as a one-party-dominant-multi- party system, lack of an effective opposition was its big weakness. In the first four general elections, no party other than the Congress was in a position to secure even 50 seats, the minimum constitutional requirement for getting the status of the 'opposition party'. In 1969, when there occurred *A* split in the Congress, the Congress (O) got the status of an opposition party. But this development was short lived as in the 1971 elections the Congress-I scored a resounding victory and no other party was in a position to get more than 25 seats. The CPM came second to the Congress and it had got only 25 seats. In 1974, seven political parties, realising the need to form a unified opposition, combined to form the Bhartiya Lok Dal with Ch. Charan Singh as its head. With this very end in view, the Congress (O), Jan Sangh, BLD and Socialist Party combined to form the Janata Party in 1977. Later on, CFD also joined it. In 1977-elections the Janata Party scored a majority, and the Congress with 155 seats became the opposition party. In 1978, first the Congress (I) leader Sh. CM Stephen and later on Sh. Y.B. Chavan got the status of the leader of the opposition in the Lok Sabha and Mr. Kamlapati Tripathi of the Congress (I) became the leader of opposition in the Rajya Sabha. However, in 1980 elections, the Congress (I) secured a major victory and no other party could secure 63 seats required for getting the status of a recognised opposition party. Lok Dal with 41 seats came to be the second largest party in the Lok Sabha.

In 1984elections, the Congress secured as many as 411 seats and the other parties remained eclipsed. In 1989-elections, the Congress emerged as the largest party with 193 seats. It decided not to stake its claim for making the government and

hence got recognition as the opposition party in the Lok Sabha. Its leader Mr. Rajiv Gandhi got recognition as the leader of the opposition. In 1991 elections, the Congress scored 224 Seats and again failed to score a majority, but it decided to form the government.

Next to it came BJP, which scored 119 seats and its leader, Mr.Lal Krishan Advani got the status of the leader of the opposition in the Lok Sabha. Later on Mr.Atal Bihari Vajpayee, the BJP leader, came to hold this office. In June 1996, the United Front came to power in the Centre and the BJP again became the recognised opposition party with Mr. A.B. Vajpayee as the leader of the opposition. In 1998 and 1999 i.e., in 12th and 13th Lok Sabhas again the Congress got the status as the recognised opposition. In May 2004 the Congress led UPA became the ruling alliance & the BJP-led-NDA became the alliance in opposition BJP became the recognised opposition in the 14th Lok Sabha.

3.1.5 Special Status for the Leader of Opposition:

In October 1999 Mrs. Sonia Gandhi got recognition and status (equal to a minister) as the leader of opposition. In May 2004 Mr.L.K.Advani of the BJP became the leader of opposition in the Lok Sabha. Under the Salary and Allowances of Leaders of Opposition in Parliament Act 1977, the leader of opposition in each House of the Parliament enjoys a special status. His status is equal to that of a cabinet minister and he draws the same salary and allowances as are drawn by a cabinet minister. An opposition party in India gets its status recognised only when it secures a minimum of $1/10^{th}$ of the total seats of a House. Since 1989, there has been present a recognised opposition in the Indian Political System. However, the role of opposition in India continues to be mostly negative involving the stalling of the working of the Parliament even on trivial matters.

3.1.6 System of Registration of Political Parties with the election commission:

Since December 1988 there has been in existence a provision for the registration of political parties with the Election Commission. By amending the Representation of the People Act 1951, it has been laid down that it is essential for

each political party to get itself registered with the Election Commission. A party which fails to get registered is not accepted as a political party. Each new party has to apply for registration within 30 days of its inception. In 1988, the parties which were already in existence were asked to get registered within 60 days of the passing of the Act. A political party has to attach a copy of its constitution or governing rules alongwith the application for registration. Further, it has to declare its loyalty towards the Constitution of India, socialism, secularism, democracy and sovereignty, unity and integrity of India. Such an application has to be filed in by the executive head of the Party within 30 days of the formation of the Party. The right to grant registration is with the Election Commission and in this respect its decision is always final. After getting registration, a political party has to intimate to the Election Commission any change in its name or place of activity, or office bearers or any other major change in its structure and organisation. The Election Commission has also been according recognition to the parties as National level or State/Regional level parties. However, it can do so only when the parties satisfy the stipulated conditions. The provisions for registration have been incorporated for securing an order in the organisation and working of various political parties. At times the Election Commission orders the political parties to complete internal party elections. This order binds all political Parties.

3.1.7 Large number of Regional and Local Political Parties:

The existence of a large number of regional political parties alongwith some national level political parties is a reality of Indian Political System. Such a feature is quite natural for a country like India which is characterized by social pluralism. A regional party is one which enjoys its popularity in one or two States and is committed to secure the interests of these vis-a-vis the Union. DMK, AIADMK, National Conference, Shiromani Akali Dal, Jharkhand Mukti Morcha, Assom Gana Parishad, Biju Janata Dal, PMK, TRS, LJP, RLD, RPI, RSP, MNF, NLP, Telugu Desam, Vishal Haryana Party, Bangla Congress, Utkal Congress, Forward Bloc, IUML, Kerala Congress, Manipur National Front, etc. are some of the more

prominent regional parties. Several States of Indian Union are being ruled by the regional parties either individually or in coalition.

3.1.8 Power-sharing between National and Regional Political Parties:

A new development in the Indian political systems has been the emergence of a process of power-sharing between National and Regional parties. Since June 1996, a coalition, consisting of several regional parties and some national level parties has been ruling at the Centre. The CPM has been ruling West Bengal in a similar fashion for more than 25 years. During 1997 February 2002 the BJP and the SAD remained in power in Punjab. Congress is sharing power with NCP in Maharashtra, with PDP in J & K, with JD(S) in Karnatka. BJD and BJP are in an alliance in Orissa. The leaders of regional parties have started playing an active and even deterministic role in the organisation of the Central Government(Between October 1999 to May). 2004 twenty-three political parties exercised political power at the national level. Since May 2004 Congress-led UPA alliance of 14 political parties has been exercising power at the national level. Their outlook now appears to be changing from a confrontationalist-conflictual orientation to a cooperative bargaining orientation in respect of the Union-state relations.

3.1.9 Lack of Rigid Ideological Divisions among Political Parties:

Almost all political parties have similar ideologies. In fact, the parties are not very rigid about their ideological commitments. All the parties are committed to uphold democracy, secularism, socialism and decentralisation, and most of them now favour liberalization and privatisation. All of these are willing to use the caste factor, linguistic factor and regionalism for expanding their support bases. In fact all of them have been doing this. Most of the parties have emerged as a result of splits in the Congress. Janata Dal, Janata Party, Lok Dal, NCP, TMC, Trinamool Congress, VHP, Samajwadi Janata Party, Bangla Congress, BJD, Utkal Congress and some other parties have originated as break away groups from the Congress. Because of lack of ideological differences, the members of a political party do not hesitate to switch their loyalties from one party to another.

3.1.10 Existence of Communal Parties:

A communal party is one which draws its support from amongst the members of-a particular community. In this way several of the Indian Political Parties can be called communal parties.

3.1.11 Inner Factionalism:

Factionalism and groupings are present in most of the political parties. Internal groupism in Congress has been a recognised feature. The existence of 'Leftists', 'Rightists', 'Young Turks', 'Dissidents', and 'Inner circles', within the Congress has been a historical fact. It is also true of all other political parties. This feature has been mainly responsible for political splits and defections. Groups owing loyalties to different leaders are present in almost every party. Each leader has a group of loyalists: Ajit Singh loyalists, Chander Shekhar loyalists, Devi Lal loyalists, Fernandes loyalists, Paswan loyalists, Kesri loyalists, Pawar loyalists, Sonia loyalists, Vajpayee loyalists, RSS loyalists, etc. Even cadre based parties like BJP, CPI and CPM are also living with inner groups and factions. In 2001, even the CPM in Punjab suffered a split due to factionalism.

In January 2004, the NCP suffered a split when Mr. P.A. Sangma decided to Part Company with the NCP-led by Mr. Sharad Pawar, Mr. Sangma floated his own party and decided to join hands with the NDA is contesting elections to the 14th Lok Sabha. The NCP led by the Sharad Pawar joined hands with the Congress to contest these elections.

3.1.12 Personality-Cult Politics:

Personality-cult dominates party politics in India. Several political parties stand organised around a leader. The existence of such political parties like Congress (Indira), Congress (Jagjiwan Ram), Congress (Urs), Janata Party (JP), AD (Mann), AD (Badal), AD (Longowal), AD (Tohra), Jan Sangh (Madhok), Janata Dal (A), Lok Dal (A) Biju Janata Dal and others reflect the presence of politics of personality-cult in Indian political parties. It has been a standard practice with the political leaders of India to float their political parties. Often the political scene witnesses the rise of

groups loyal to different leaders and 'loyalty towards the leaders' enjoys precedence over 'loyalty towards the party or the ideology'. The leader of the party behaves like a 'Queen Bee'.

3.1.13 Lack of internal Democratic Organisations in several political parties:

Most of the parties in India do not have well and democratically organised structures. Theoretically or legally most of the political parties stand organised in a democratic way but in practice the 'top leaders' or the 'party elites' dominate the set up. Now, the Election Commission has made it mandatory for the political parties to hold organisational elections. At times, the Chief Election Commissioner directs the political parties to complete their organisational elections by a stipulated date.

3.1.14 Lack of Party Discipline:

Lack of discipline among the party members is again a sad reality of Indian party system. The party members do not hesitate to become rebels whenever they find a decision unacceptable. In elections 'the dissidents' or 'the rebels' even oppose and contest elections against the officially sponsored party candidates. The party discipline is, at times, enforced and it takes the form of suspension or removal from membership of the rebels or dissidents for a period of six years or so. But, such rebels/dissidents are in a position, of course after some time, either to return to the party or in causing a split in the party or in joining another party which is even opposed to their parent party. Lack of party discipline has been a source of defections, splits, factionalism, groupism and political turncoatism in Indian politics.

3.1.15 Political Defections:

The evil of defections in the form of floor crossings after winning elections on particular party tickets has been present in the Indian political system. It came to be the standard practice of the dissidents' particularly after the fourth General Elections (1967). Post 1967 years witnessed the emergence of the era of 'Aya Rams and Gaya Rams' in Indian politics. Defection can be described as an undemocratic practice as it involves a breach of trust on the part of an elected representative who after getting elected on a particular party ticket decides to change his party loyalty and joins

another party for securing a berth in the ministry or for causing a fall of the ministry or for his selfish petty political or financial gains. At the time of March 1977 elections, the Janata Party declared in its election manifesto that a legal remedy shall be provided against defections. In March 1978, it sponsored an anti-defection bill but it failed to get the approval of the Lok Sabha. In July 1979, the Janata Party had to resign from power due to defections. On the eve of January 1980 elections, the defections reappeared in large numbers. In Haryana, the Chief Minister Sh. Bhajan Lai alongwith his entire ministry defected to the Congress. Between 1980-83 defections kept the Indian Party System in a state of flux. In January 1985, the evil practice of defection was sought to be buried through the enactment of the 52nd Amendment Act. After its enactment, the evil practice of defection suffered a decline. However, even this act provided for a 'qualified defection' in so far as it admitted that a mass defection, involving at least one-third of the members of a party who decide to form a new party or join hands with other parties in the political process, was to be called a split and not a defection and hence was to be legal and valid. The presence of 'factions' and 'groups' within every party, the personality cult politics, the presence of political corruption, lack of ideological differences among the parties, and the existence of several political parties, all combine to form an environment in which politics of 'defections', now in the name of splits, continues to remain present. Even the latest amendment of the Act has not eliminated the menace of political defections.

3.1.16 Large Number of Independent Candidates in Elections:

Another feature, which has a bearing on the working of Indian Party System, can be described as the' presence of a large number of independent candidates in the elections. The political parties have to meet the challenge posed by locally popular independent candidates who are contesting elections from various constituencies. The Constitution grants to the citizens the right to contest elections and in actual practice a large number of candidates come forward to utilise this right. In 1952-elections the independent candidates bagged 20 per cent votes and secured 42 seats in the Lok Sabha and 414 seats in various State Legislative Assemblies. In 1967-elections, they again bagged 41 Lok Sabha and 375 Vidhan Sabha seats. In 1971, 1977 and 1980

elections, however, they could secure only eleven, nine and three Lok Sabha seats respectively. In 1989 Lok Sabha elections only 9 seats were bagged by the independents, and in May-June 1991 elections also they bagged less than 15 seats. More than 3700 independent candidates contested the November 1989elections and their number was nearly 4000 in the 1991elections. The elections to the Lok Sabha and assembly elections in several states during 1991-2004 period witnessed the presence of a large number of independent candidates. The presence of such a large number of ideologically non-committed independents has always been a source of opportunism in the struggle for power in India.

3.1.17 Politics of Populism:

Almost all the political parties adopt and follow populistic policies and raise populist slogans for securing their vote banks. The party in power uses its power of policy-making for attracting votes.

3.1.18 Resort to Direct Action or Extra Constitutional Means:

A political party is an organisation of people committed to secure power through peaceful and constitutional means as well as to use power for the promotion of national interests. However, in India all the political parties have been using strikes, dharnas, gears, bands, boycotts, passive resistance *i.e.* direct action and pressure, means for securing party gains. During elections some of these even resorts to malpractices like booth capturing, rigging, forced voting, threats, of liquidation, poll-violence, vendetta against opponents and forcible prevention from voting. The practice of forming militant 'brigades' reflects also the presence of violence in party politics and electoral politics.

3.1.19 Politics of Opportunistic Alliances:

Political parties often resort to unprincipled electoral alliances and coalitions for securing short term gains. During elections, almost all the political parties enter into unprincipled alliances. They do not hesitate to enter into electoral alliances with communal parties.

3.1.20 Dawn of the era of Coalition Politics:

The era of coalition politics has dawned in India. Since 1996 a coalition governments have been in power at the centre and in several states. Since October 1999, the Centre is being ruled by the National Democratic Alliance government. West-Bengal has been under the rule of a left front for more than three decades. Between 1998-2000 Haryana was ruled by INLD with BJP's support. In Punjab SAD-BJP alliance remained in power between 1997-2002. Congress-NCP has been ruling Maharashtra. The age of coalition politics, which can be described as the natural outflow of a multi-party system, has definitely arrived in the Indian political system. The ninth, tenth, eleventh and twelfth Lok Sabhas were Hung Houses and this led to the practice of coalition politics (coalition governments). In October 1999 elections the National Democratic Allinace (BJP + 23 other parties) got a majority and formed the government on 13th October, 1999. NDA came into being as a pre-election coalition and got the opportunity to rule the country. In May 2004, NDA Coalition rules got replaced by the UPA Coalition rule. It is now almost certain that coalition governments will continue to rule India in the days to come.

3.1.21 System of Recognising Parties as National Political Parties, Regional Political Parties and State Parties:

On the basis of the performance of various political parties, the Election Commision grants recognition to these as National Political Parties or State Parties. On December 2, 2000, the Election Commission revised the criteria for granting such recognition by amending the symbol order. This new criteria has been : A political party gets recognised as a National Political Party, either when it secures at least *6%* of the valid votes polled in any four or more states in a general election to the Lok Sabha or and in addition if it wins at least four Lok Sabha seats from any state or states ; or If it wins at least 2% seats in the Lok Sabha *i.e.* at least 11 seats in a house of 543, and its elected members are from at least three different states. A political party gets a recognition as a State Party if it secures *6%* of the Valid votes votes polled in a state (Either in a general election to the Lok Sabha or to the legislative assembly of the concerned state) or if it wins at least 3% of the total number of seats

in the Legislative Assembly of the state or if it wins at least three seats in the legislative assembly of the concerned state, whichever is more.

Only the recognised parties enjoy the facility of free broadcasts from the Doordarshan and the AIR and the free supply of copies of the electoral rolls.

The amended symbol order has given one concession in a case when one recognised party gets de-recognised after a general election. Under it, after a party loosing recognition as a national or state party it does not loose its reserved symbol immediately. It is given a time period of six years for regaining its status, and during this period it is entitled to use its symbol in elections.

Check Your Progress

1. Discuss the Lack of Party Discipline in Indian Parties.
2. What do you understand by the term 'Politics of Populism'?
3. 'Dawn of the Era of Coalition Politics'- Elucidate
4. Indian Party System has been a fast changing and developing multi-party system- Explain.

Indian Party System has been a fast changing and developing multi party system. It has come out of the age of one-party-dominant-multi- party system and is now developing as a real multi-party system. The existence of several political parties both national and regional, has kept the Indian political party scenario complex and even confusing. Even several of its features as described above can be really described as its defects. Indian multi-party system has been a product of the social, economic, cultural, linguistic, religious and regional pluralism which has been a basic feature of Indian society. The party system of a country is always a manifestation of its socio-economic-cultural system and hence it must be accepted as a natural system. Any attempt to unduly tailor it by laws and rules is bound to evoke a reaction. Indian party system also naturally stands determined by the Indian social system—a system characterized by social, cultural, regional, religious and linguistic pluralism.

3.1.22 ANSWER TO CHECK YOUR PROGRESS:

1. Refer chapter 3.1.14
2. Refer chapter 3.1.17
3. Refer chapter 3.1.20
4. Refer chapter 3.1

UNIT 2

LESSON 4

NATIONAL AND REGIONAL PARTIES

UNIT STRUCTURE:

4.1 Congress

4.1.1 Support Base of the Congress

4.1.2 Religious and Ethnic Minorities

4.2 Ideology, Policies and Programmes of the Congress

4.3 Congress Manifesto 2004

4.4 Common minimum programmme of the Congress- led united progressive alliance, 2004

4.5 Performance of the Congress in Indian Elections

4.6 Lok Sabha Elections, 2004 Comparative Data: Congress&BJP

4.7 Journey from Bhartiya Jan Sangh to Bhartiya Janata Party

4.8 Ideology, Policies and Programmes of BJP

4.9 NDA: Election Manifesto 2004: Agenda for Future Governance

4.10 Major Policies of BJP

4.11 Performance of BJP in Indian Elections

4.12 Communist Party of India (CPI)

4.13 Ideology, Policies and Programmes of the CPI

4.14 Performance of CPI in Elections

4.15 The Communist Party of India (marxist) -CPM

4.16 CPM: Performance in Elections

4.17 Ideology, Policies and Programme

4.18 Bahujan SamajParty

4.19 BSP: Objectives, Policies and Progamme

4.20 Performance of the BSP

4.21 Regional Political Parties in India

4.22 Reasons for the Emergence of Regional Parties in India

4.23 Regional Political Parties: Role

4.24 Answers to Check Your Progress

4.1 CONGRESS

Congress Party can be legitimately described as the successor of the Indian National Congress that was formed in 1885 and which successfully guided the Indian struggle for freedom from the clutches of British imperialism. After Indian independence in 1947, the Congress kept on dominating the Indian political scene for about four decades. Despite suffering three major and several minor splits, the Congress successfully remained in power at the centre from 1947 to 77, 1980-89 and 1991-96. Between 1996—May 2004 it acted as a recognized opposition party at the centre. It came to power as a part of the United Progressive Alliance in May 2004. The ruling UPA is a Congress-led alliance. Congress continues to be in power in several states of the Union. Several political parties in India have come into being as a result of splits in the Congress. The Janata Party, the Janata Dal, the Samajwadi Janata Party, the Lok Dal, and PSP, the SSP, the Bangla Congress, the Utkal Congress, TMC, NCP and some other political parties can be legitimately described as parties formed by dissident Congressmen.

4.1.1 Support Base of the Congress

During the freedom struggle, the Indian National Congress enjoyed the support of all sections of society, particularly the middle class and the new intellectual elite. Under the leadership of Mahatma Gandhi, a big massification of this party took place and it came to be identified as the party of the Indian people of all castes, religions, creeds and colours. It got recognition as the mainstream party under whose leadership the people of India waged their struggle for freedom.

After the dawn of Independence, the Congress leaders became the power holders and they enjoyed a high degree of credibility and legitimacy with the masses. The Congress party remained the single most dominant party till 1989, and it enjoyed a remarkable popular support among the masses. Its support base included people drawn from all sections of society. In particular, however, it has depended upon the support of the following sections of Indian society:

4.1.2 Religious and Ethnic Minorities:

These have tended to repose faith in Congress because of its secular credentials. Scheduled Castes, Scheduled Tribes and Weaker Sections of Society. The Congress has always identified itself with the cause of the people belonging to scheduled castes, scheduled tribes and other weaker sections of society.

a) **Other Backward Classes:** A part of the people belonging to the category of OBCs also consider the Congress to be a party which can help them to secure better their rights, interests and reservations.

b) **Illiterate and Poor Masses:** The Congress has always tried to identify itself with the poor of India. Garibi Hatao has been its popular slogan. As such it enjoys a good support base among the poor and illiterate masses of India.

c) **Labour:** AITUC and INTUC (known to be pro-Congress Trade Unions) have strength of around 22.4 lakhs. As such a sizeable part of the labour force of India tends to support Congress in Indian politics. Big Industrial Houses and Women Organisations. Some big industrial houses have been continuously extending their support to the Congress. They regard it as a well organised party committed to pursue economic liberalisation and privatisation. Further, a large number of women organisations also support Congress. In fact Congress has within its fold several popular women leaders who are a source of support for the party. Thus, Indian National Congress, popularly known as the Congress has a good support base in the Indian society. People belonging to almost all cross sections of Indian society support Congress. It is a truly national level party. However, during 1989-2003 its popularity suffered a decline. It came to enjoy the support of nearly 22 to 24% of the total electorate. In 1999 Lok Saba elections, it could get only 113 seats, the lowest ever score. Decline in the popularity of Congress came as a hard reality of Indian politics of 1990s. It, however, continued to work actively for increasing its popularity and support base. Later on people's growing dissatisfaction with the BJPand some other parties began increasing the popularity of Congress. In May 2004 general elections, it gave an improved performance. It won 145 Lok Sabha seats and was successful in organising the United Progressive

Alliance (UPA) under its leadership. The decision of its president, Mrs. Sonia Gandhi to decline the office of Prime Minister and instead to install Dr.Manmohan Singh in this office increased the popularity. It not only came to power in the centre but also improved its position in several states. It is currently ruling the centre and several states of the Indian Union. Infact this party has the potential to become stronger in the days to come and it is trying to re-expand its support base. However for this it will have to present itself as a united team and not as the group of groups/factions. It will also have to get itself away from charges of political corruption by improving its image and actual performance in politics as a ruling party. It must try to resist pressures from the left parties and keep its identity as a national level party capable of performing better and better.

4.2 IDEOLOGY, POLICIES AND PROGRAMMES OF THE CONGRESS:

Congress has all along been committed to the ideology of Democracy, Socialism and Secularism. It has always upheld the ideals of democracy. Its policies are governed by the objectives of Fundamental Rights and Freedom of the people, open and democratic struggle for power, full faith in peaceful and constitutional means and acceptance of the principle of democratic decision- making. The Congress has always participated in the political process at all levels. It has always contested elections and has full faith in the complete superiority of the ballot. Faith in secularism has been a fundamental article of faith with the Congress. It has always opposed the forces of communalism, and holds that secularism alone can be the principle of life in a pluralist society like India.

Right from 1923 to the present, Congress remains committed to follow the ideology of socialism, which to it means democratic socialism. It always expresses faith in favour of securing social, economic and political justice along with an equitable distribution of wealth, social equality, social justice and equality of opportunity for all and total acceptance of democratic means. It regards protection of the interests of the weaker sections of society as an integral part of the objective of securing democratic socialism. Currently, it has been championing the principles of liberalisation, decentralisation, democratisation, market, economy and globalisation. It now

advocates the securing of the objectives of Democratic Socialism through the use of these principles, and policies based upon these. It supports both privatisation and public sector, and advocates a middle path.. Along with this, the Congress has always been committed to the ideology of internationalism. It has always advocated the need and possibility of developing friendly and cooperative relations with all the countries of the world. It has always opposed the forces of imperialism, colonialism, neo-colonialism and racialism. It has been a staunch votary of Non-alignment and Panchsheel and regards these as the fundamental principles for the conduct of international relations. To support the rights of the Third World countries has been a cardinal principle of its ideology of internationalism. Further, the Congress has always upheld the objectives and principles of the United Nations as stand recorded, in the Charter.

The following can be described as the salient features of the policies and programmes of the Congress:

i. Modernisation and Development of Agriculture and Irrigation.
ii. Special steps for improving the lot of small and petty farmers.
iii. Promotion of Rural Banking.
iv. Making each village self-sufficient in respect of daily needs.
v. Exemption of land revenue for farmers having holdings up to 5 acres of land. Promotion of village industries, particularly agro-industries.
vi. Increasing storage facilities in rural areas.
vii. Improving rural road transport system.
viii. Ensuring remunerative returns to farmers in respect of their produce.
ix. Encouraging the setting up of food processing industries.
x. Insurance scheme for crops and cattle.
xi. Rapid and balanced industrial developments
xii. Privatisation, deregulation and delicencing and liberalisation of industrial sector.
xiii. Disinvestment of Public sector, particularly in respect of sick Public sector industrial units. To pursue selective disinvestment.

xiv. Securing of more opportunities for employment and particularly self-employment.

xv. Improving the conditions of work for the workers particularly the women labour force.

xvi. To work for securing the interests of the weaker sections of society.

xvii. Rapid economic development through introduction of liberalisation and competitiveness in the Indian economic system.

xviii. Protection of the interests of the minorities, scheduled castes, scheduled tribes, other backward classes and other weaker sections of society.

xix. To provide better health, family welfare and educational facilities for all the people. To secure health and family welfare for all.

xx. To work for educational reforms and vocationalization of education.

xxi. More vigorous efforts for making India self-reliant in all spheres of life and development of science and technology for this purpose.

xxii. To continue India's nuclear policy involving the security & deployment of N. Weapons.

xxiii. To oppose and refuse to sign such discriminatory treaties as the NPT and CTBT.

xxiv. Rapid development of infrastructural facilities for initiating the process of rapid industrial and technological developemnt.

xxv. To maintain and follow the principles of Non-alignment, Panchsheel, Regional Cooperation for Development, Development of Nuclear Technology Support for Human Rights, Rights of the Developing Countries, South-South Cooperation, Opposition to forces of war, imperialism, hegemony, neo-colonialism, and terrorism in international relations.

xxvi. To work for securing a permanent seat in the UN Security Council.

4.3 CONGRESSMANIFESTO 2004

The Congress Manifesto was released on 22nd March, 2004 and it held that the 14th Lok Sabha elections were a clash of "sharply competing values of diametrically opposite ideologies" and against the Bharatiya Janata Party.

Defining its objective, the 32-page Manifesto recorded: "The Congress" goal is to defeat the forces of obscurantism and bigotry who contributed nothing to the Freedom movement or the making of our Constitution and whose sole objective is to subvert our millennial heritage and composite nationhood."

Releasing the document, the Party President, Sonia Gandhi, said it was packaged differently, action-oriented and transparent unlike the BJP whose real agenda was hidden behind the veneer of the National Democratic Alliance. As a measure of the party's commitment to implementation of the manifesto and accountability, she said that every year on October 2, birth anniversary of Mahatma Gandhi, the Congress, would bring out a progress report of its implementation.

Spread over five sections, the manifesto contained an overview of 45 years of the party's achievements, the reasons for; which the party should be voted back to power, the failures of the NDA/BJP, and the priorities, plans and programmes of the Congress.

Listing the "Monumental Failures" of the BJP-led NDA Government, it has said the last five years were marked by massive unemployment, falling growth rates, acute distress among farmers and farm labourers, compromised national security and produced social disharmony. It accused the NDA Government of subverting the school curricula, destroying probity, denigrating key institutions and undermining the independence of the foreign policy. On the contentious Ayodhya issue, the manifesto said all parties must wait for and abide by the verdict of the courts. For minorities, the Congress pledged to extend reservation for the economically deprived persons belonging to communities that were at present not entitled to such reservations. It also promised to amend the Constitution to establish a commission for minority educational institutions that will provide direct affiliation for minority professional institutions to central universities.

The Congress promised to spend budgeted funds "to the fullest" and ensure the elimination of delay in the modernization of the armed forces. It also committed to maintain as "credible nuclear weapons programme" while simultaneously evolving "demonstrable and verifiable confidence-building measures with its nuclear

neighbours". Promising to make the National Security Council a professional and effective institution, the manifesto recorded that Congress would move resolutely to implement the recommendations of the Subrahmanyam Committee on Kargil to strengthen intelligence networks. On relations with Pakistan, the Congress said unlike the BJP it had been consistent on the issue of dialogue with Islamabad on all issues, including Jammu and Kashmir. Congress stands for formal and informal talks on the basis of the Shimla Agreement. "Pakistan's sponsorship of cross-border terrorism must end completely once and for all. If it continues, then the Indian state has the responsibility to protect its citizens."

The manifesto also promised to carry out administrative, police, judicial and electoral reforms and to tackle the root causes of corruption and the generation of black money. Besides deregulation and removal of laws that have outlived its utility, the manifesto advocated that transparency in party financing and state-funding of elections could help in this direction.

Employment and agriculture were the key economic issues in the Congress manifesto and it set its sights on a high 8 to 10 per cent rate of sustained economic growth.

"Yuva Rozgar" (Youth Employment), *"Grameen Vikas"* (Rural Development) and "*Arthik Navotthan" (EconomicRresurgence) were to be the three of the six basic tenets for governance. Samajik Sadbha* (Social Harmony), *Mahila Sashaktikaran* (Women Empowerment) and *Saman Avsar* (Equal Opportunities) were to be the foundation of all policies.

The Congress made its stance clear on strengthening the public sector, especially in infrastructure and taking a selective approach to disinvestment policies. The Congress is to approach privatisation selectively. "Disinvestment will not be resorted to merely to raise revenue to meet short-term targets as the NDA has been doing,". The disinvestment revenues will be used for designated social development programmes and the party will ensure that disinvestment increases competition and consumer welfare.

Making a commitment to improve power supply to every household over the next five years, it promised to use the country's foreign exchange reserve "creatively" to significantly expand public investment in power generation. It recorded that the public sector was to play a key role in power generation while the private sector was to take on an increased role in distribution.

In the crucial area of employment, the manifesto held that the main requirement was to revive economic growth and sustain it throughout the country at between 8 and 10 per cent annually for well over a decade. The party was committed to adopt policies to expand employment in the organized sector which had "fallen precipitously" in the last five years. Besides, "it will immediately enact a National Employment Guarantee Act to provide legal guarantee for at least 100 days of employment on asset- creating public works programmes every year at minimum wage for every rural household. As an indicator of how seriously it takes commitment employment growth." The party also pledged to release an annual Rozgar Report to the Nation on May 1.

The Congress was to place a greater thrust on labour intensive exports of textiles, handicrafts, gems and jewellery, leather, software, engineering and consumer goods to boost employment. The textile industry was to be given special focus in view of the increased competition in world markets from January 2005 as mandated by the World Trade Organisation (WTO).

The manifesto also promised an "Agriculture First" strategy in resource allocation. Public investment in agriculture was to be stepped up substantially with focus on the backward and poor regions. This was to cover irrigation, electrification, go downs, marketing, research and extension. In addition, it assured that the entire rural credit system based on cooperatives will be restored to health. A time bound programme for restoring all public tube wells to good working condition wherever required was to be started and pace of constructing new irrigation wells in poorer districts of the country was to be accelerated.

The feasibility of an Agricultural Stabilisation Fund involving a system of direct support or income support to farmers especially in the ecologically vulnerable regions of the country was to be examined. This was to be in addition to implementation of farm insurance schemes for both crops and cattle. The manifesto placed special emphasis upon streamlining and strengthening Public Distribution System particularly in respect of food and nutrition security.

4.4 COMMON MINIMUM PROGRAMME OF CONGRESS- LED UNITED PROGRESSIVE ALLIANCE, 2004

On 27th May, 2004, the Congress-led United Progressive Alliance released the Common Minimum Programme (CMP) which was to guide the policies and decisions of the UPA Coalition Government. It advocated six basic principles of governance:

I. Preserving, protecting and promoting social harmony and resolutely opposing communalism.

II. Ensuring sustained employment-oriented economic growth.

III. Enhancing the welfare of farmers, agricultural labourers and workers.

IV. Empowering women and promoting gender equality.

V. Ensuring equality of opportunity for socially disadvantaged groups and religious minorities.

VI. Unleashing creative energies and promoting productive forces.

After criticizing "the damage done to the pluralist and secular nature of Indian society and its key institutions by the slaughter of fundamentalism and obscurantism of various hues and by the active promotion of religious fanaticism in pursuit of political advantage in recent years", the CMP made a commitment to pursue secular principles and reforms with a human touch.

Main policy principles listed in Common Minimum Programme (CMP) adopted by the United Progressive Alliance Government. The CMP adopted by the UPA made a solemn pledge to the people of India to provide corruption-free transparent and secular administration. Prime Minister Dr.Manmohan Singh observed at the time of releasing it that it seeks, "to provide a government that is corruption-free, transparent and accountable at all times, to provide an administration that is responsible, and responsible at all times."

The CMP includes the following major policy decisions of the UPA:

a. It reiterates commitment to secular principles which have been the bed-rock of our multi-ethnic, multi-religious and multi- lingual nationhood.
b. Restates commitment in letter and spirit to Art. 370 of the Constitution.
c. Places special emphasis upon the educational and other needs of the minorities.
d. Expresses commitment to uphold the interests of disadvantaged classes and social groups, including farm-workers, farmers, workers in unorganised sector, SCs, STs, OBCs, women and minorities.
e. Seeks to give special attention to agriculture, education and health.
f. The CMP makes a promise to repeal POTA.
g. It upholds the right to strike according to law and holds that it is not to be taken away or curtailed.
h. The CMP focuses attention on the issues of employment, food, nutrition security, agriculture and rural credit and promises policies, reforms and programmes for securing all-round development.
i. It affirms commitment to provide a legal guarantee for at least 100 days of employment, to begin with, on asset creating public works programmes every year at minimum wages to at least one able bodied person in every rural or urban poor and lower- middle class household. It promises to pursue food for work programme.
j. It places special emphasis upon the need to increase facilities for the development of agriculture and to strengthen agriculture, and strengthen and streamline the Public Distribution System.
k. It states that irrational and the indiscriminate sale of public sector enterprises and disinvestment as an ideology will not be followed. Generally, profit-making enterprises will not be privatised. It, however, accepts the need for selective and necessary privatisation.
l. The CMP reaffirms the commitment to encourage Foreign Portfolio Investment and FDI.

m. The CMP accepts and advocates the need to keep pursuing the reform process in India.

n. In the sphere of international relations, the CMP records commitment "to promote multipolarity in world relations and to oppose all attempts at unilateralism". It makes an explicit commitment to the cause of the Palestinian people for a homeland of their own. The UPA government pledges to maintain the independence of India's foreign policy position on all regional and global issues as well as its emphasis on promotion of closer ties with SAARC countries, China, and Russia. It accepts the need to meet commitments made to WTO, but the same time advocates the need to oppose all such treaties and policies which are against the interests of the Third World. For this purpose the need to consolidate solidarity with the third world countries stands reiterated in the CMP.

The CMP reflects fully the compulsions of coalition politics as well as the need of the Congress-led UPA government to keep liasion with the Left parties, particularly the CPM.

4.5 PERFORMANCE OF THE CONGRESS IN INDIAN ELECTIONS:

Congress has been a very major player in the political process in general and the electoral process in particular. Infact, during the first two decades of the post-independence period, the Congress dominated the Indian political system both at the national and state levels. During 1947-67 it ruled the Union and almost all the states of the Union. In 1967, it suffered a setback when in several states non-Congress parties came to power. Electoral set back was compounded in 1969, when it suffered a split. However, the setback was temporary. In 1971-elections, the Congress re-emerged as the dominant actor and it scored grand victories at the central and state levels.

Between 1971-77 the Congress again dominated the India political scene. In 1952 elections, it secured 364 out of 489 seats ; in 1957, 371 out of 494; in 1962, 361 out of 495 ; in 1967, 283 out of 520 ; and in 1971, 352 out of 518.

In March 1977 elections, however, it had to suffer a defeat. It could get only 153 Lok Sabha seats out of a total of 542 seats. In these elections the Janata Party (a combination of major non-Congress parties) came to power. Congresslost for because of the 22 months ofemergency (June 1975 to March 1977). However, when the Janata Party failed to govern and suffered a split in 1979, the people returned the Congress to power with a thumping majority in January 1980 elections. It got 351 out of 525 Lok Sabha seats. In 1981, the death of one of its leaders, Mr. Sanjay Gandhi, the younger son of PM Indira Gandhi, in an air accident.

The vaccum in the Congress leadership was, however, filled by Mr.Rajiv Gandhi, the elder son of Mrs.India Gandhi. In November 1984, he became the Prime Minister of India as well as the President of the Congress. In 1984 elections, he led his party to a massive victory. It got 411 out of 529 Lok Sabha seats. Once again the Congress emerged as the dominant party of India. However, between 1984-89 it failed to keep up its formidable and dominant position due to internal factionalism, and failure to implement several policies and hasty decisions/agreements which, were found to be impracticable, and alleged involvement in the Bofors Scam.

In November 1989 elections, the National Front (The Janata Dal, Telugu Desham, Janata Party, Jana Morcha, Lok Dal combination) came to power with outside support from the left parties (CPI and CPM) and the rightist party the BJP. Congress got only 193 out of 525 Lok Sabha seats for which elections were held. It, however, emerged as the single largest party in it. It decided to sit in opposition. Its leader Mr. Rajiv Gandhi got recognition as the leader of opposition in the Lok Sabha. Congress started playing the role of an effective opposition. At the State level also it suffered major reverses in the North, while it gained some strength in the South. However, in November 1990, the National Front suffered a major setback when BJP withdrew its support from it over the issue of construction of Ram Mandir in Ayodhya and the arrest of BJP President Lai Krishan Advani. The setback resulted into a debacle when Mr. Chandra Shekhar and his followers parted company and formed the Janata Dal (S). With Congress support from outside Mr.Chandra Shekhar formed a new Government at the Centre. However, within five months, there

emerged sharp differences between it and the Congress. There arose a constitutional crisis. When PM Chandra Shekhar tendered his resignation, the Congress was offered the chance to form an alternative government but it declined. The 9th Lok Sabha was consequently dissolved.

Elections to the 10th Lok Sabha were held in May-June 1991. During the course of these elections, the Congress suffered a big setback when on 21 May, 1991, its leader Mr.Rajiv Gandhi was assassinated by a suicide bomb squad, which owed allegiance to LTTE. The leadership vacuum resulting was however filled by Congress with the election of P.V.Narasimha Rao as its president. In the 10th Lok Sabha constituted in June 1991, it got only 224 seats and failed to register a clear majority. But this time it has decided to form the government at the Centre. In the North it was in a position to retrieve its position but only partially. In UP, the BJP emerged as a majority party, Haryana gave Congress a majority.

Mr. P.V. Narasimha Rao took over as the Prime Minister at the Centre, on June 21, 1991. However, due to lack of a clear majority as well as the absence of a firm and sizeable support from outside, the Congress found itself handicapped. It was, however, successful in initiating the process of securing support from outside, from other parties over several issues upon which there was identity of views and perceptions. It was successful in getting elected its nominee, Mr. Shiv Raj Patil as the Speaker of the 10th Lok Sabha. It was also successful in securing the election of the BJP nominee Mr. Malikaijunaiha as the Deputy Speaker. Congress justified this on the basis of the convention that the office of Deputy Speaker should go to the opposition party. Since BJP got recognition as the opposition party in the Lok Sabha, with its leader Mr.L.KAdvani as the constitutionally recognised leader of opposition in the Lok Sabha, the Congress justified its decision to support BJP nominee for this coveted post. During the period between June 1991 to November 1993, it worked as a minority government but was in a position to carry through widespread and necessary economic reforms and changes in India. In Punjab it formed a government in February 1992 and then worked hard to end the era of militancy and to provide relief to the Punjabis. In July 1992, the Congress candidate Dr.S.D.Sharma got elected as

the President of India. In August 1992, its candidate Mr. K.R. Narayanan got elected as Vice-President of India. It deftly handled the crisis after the demolition of the disputed structure at Ayodhya on 6th December, 1992 and the Bombay blasts of March 1993. In November 1993, it became a majority government when the breakaway Janata Dal faction led by Mr.Ajit Singh joined its ranks. But in November 1994, the Congress suffered serious reversals in the elections held for the Legislative Assemblies of Sikkim, Goa, Andhra Pradesh and Karnataka. In February 1995, it successfully formed the government in Orissa, Manipur, Arunachal Pradesh but suffered defeats in Maharashtra, Gujarat and Bihar. It suffered a virtual split in May 1995 when, the Congress dissidents led by Mr.Arjun Singh and Mr. N.D. Tiwari formed a rival Congress.

In the elections to 11th Lok Sabha held in May 1996, the Congress failed to perform well. It could secure only 142 seats. It also suffered heavily in the legislative assembly elections (Andhra Pradesh, Haryana, Kerala, Tamil Nadu, West Bengal, Pondichery) held at this time. In 1996, it again came out with a poor performance in elections to J & K and UP Vidhan Sabhas.

At the time of 1996 General Elections, the Congress (I) suffered due to internal factionalism. The Congress leaders from Tamil Nadu parted company and formed Tamil Manila Congress. Mr.Madhav Rao Sindhia also left Congress. In June 1996, Congress formed an alliance with BSP on the condition that after the elections to UP Vidhan Sabha, Ms.Mayawati shall be made the Chief Minister. In the elections the combine could get only 100 seats (67 BSP + 33 Congress) against 174 secured by BJP-Samta Party alliance (172 BJP + 2 Samta Party). The Congress failed to secure the support of United Front (Samajwadi Party, BKKP, JD, Congress- T, CPM & CPI) for this purpose and its relations with the BJP got strained. Later on in March 1997, the BSP joined hands with the BJP and formed the government in UP with Ms. Mayawati as the Chief Minister. This came as a further blow to the Congress. In February 1997, elections to the Punjab Vidhan Sabha were held. The Congress failed to perform well against the SAD-BJP alliance. It could secure only 14 seats in a house of 117.

In April 1997, a political crisis developed as a result of the decision of the Congress to withdraw support from the UF government of PM H.D. Deve Gowda. The crisis led to a change in the leadership of the UF Government and Mr. Inder Kumar Gujral became the new Prime Minister. The Congress came forward to re-extend its support to this new government and it could extract the decision to organise a Congress-United Front Steering Committee for better coordination between the two. However, this development failed to really improve the image of the Congress. It continued to remain weak. In May-June 1997, the Congress suffered further weakness due to groupism that emerged on the eve of the election of Congress President. In March 1998, Lok Sabha elections the Congress could get only 141 seats and 25.82% valid votes. It emerged as the second largest party after the BJP (182 seats) and became the recognised opposition party. In this election Mrs. Sonia Gandhi acted as the compaigner for Congress. Later on, Mrs.Sonia Gandhi became the President of the Congress and some of the old Congressmen rejoined the party.. The Congress could secure only 112 seats in the 13th Lok Sabha, for which the elections were held in September 1999. It was the lowest ever score of the Congress, despite the fact that percentage of votes secured by it increased by about 2 per cent. The Congress, however, emerged as the second largest party and it got recognition as the official opposition with Mrs. Sonia Gandhi as the leader of opposition in the 13th Lok Sabha.

Around the year 2000 the image of Congress began improving in several states of the Union and at one time it came to be in power in as many as 17 states/UTs. Rajasthan MP, J & K (in coalition with PDP), HP, Punjab, Uttranchal, Manipur, Assam, Delhi, Karnataka (coalition with JDS), Maharashtra (Coalition with NCP) Kerala, Meghalya and Pondicherry.

However in December 2003 the Congress suffered a loss of power in Rajasthan, MP and Chatisgarh. It could retain power only in Delhi. This made the Congress leadership evolve a new strategy for leading a united group against the BJP-led NDA. It now accepted fully the need for entering into a coalition with other parties. It when the Lok Sabha elections were announced in early 2004, the Congress entered into an alliance with RJD, LJSP, NCP, DMK, TRS, RP, and others.

In the elections to 14th Lok Sabha held in April 2004 the Congress was in a position to improve its performance individually from 113 seats in 1999 to 145 seats in 2004. Its coalition partners also gave a good account. The Congress-led alliance got 217 Lok Sabha seats and with the support of the left parties Congress-led UPA was in a position to from the government on 22 May 2004. The Congress came to power in the Centre after a gap of eight year. It also secured a thumping victory in Andhra Pradesh Vidhan Sabha elections. In Karnataka it could form the government in a coalition with JD(S). However in 2006, JD(S)—BJP ruling coalition replaced the JD(S)—Congress coalition. Later on, in elections to the Maharashtra Vidhan Sabha-Congress was successful in forming the ruling coalition with NCP. Currently the Congress is trying to strengthen its popularity and support base particularly in UP. Rajasthan, Maharashtra and MP. It is already in power in Haryana, Himachal, Delhi, J & K, Maharashtra. Assam, Punjab, Pondicherry, Uttrachal & Andhra Pradesh.

4.6 LOK SABHA ELECTIONS, 2004 COMPARATIVE DATA: CONGRESS&BJP

I) BHARTIYA JANATAPARTY (BJP)

The Bhartiya Janata Party (BJP) had its birth in 1980 as a successor to the old Jan Sangh, In 1951 several leaders of the RSS and Hindu Maha Sabha, acting under the leadership of Dr. Shyama Prasad Mukerjee, founded the Bhartiya Jan Sangh. Article 3 of its constitution defined its aim as : To make India a political, social and economic democracy on the basis of *Bhartiya Sanskriti and Maryada.* At the time of its birth, Dr.S.P.Mukerjee declared that it was not a communal or sectoral party. He declared, "There is no communalism in India except the new policy of Muslim appeasement which has been started by Pt. Nehru and his friends for the purpose of winning votes in the forthcoming general elections".

4.7 JOURNEY FROM BHARTIYA JAN SANGH TO BHARTIYA JANATA PARTY

Jan Sangh contested 94 seats in the first general elections (1952) but could win only three. In the states, it contested 732 seats and here too it could win only 3 seats. However, on the basis of the percentage of popular votes secured by it, the

Election Commission of India, on 6 January 1953, recognised it as an All India Party. Between 1953-1977, the Bhartiya Jan Sangh emerged as a popular party. In the Fourth general elections held in 1967, it contested 243 seats and scored victories in 35 constituencies. In UP and MP it got 98 and 78 Vidhan Sabha seats respectively. It won 33 out of 56 seats of the Delhi Metropolitan Council and came to power in the capital city. However, it failed to project its image as a secular party. Its slogan of Indianisation of Muslims and others gave it a communal colour. In 1971 elections it joined hands with other political parties: Congress (0), Sawatantra Party and S.S.P. to jointly fight the elections against the Congress. However, the decision proved to be costly because it could get only 22 seats in the Lok Sabha and only 105 seats in all the State Vidhan Sabha elections which were held in 1972; it involved a loss of 75 seats (It had secured 177 seats in 1967 elections).

In 1977, Jan Sangh joined hands with BLD, SSP, Congress (0) to form the Janata Party. This was done for collectively opposing the "authoritarian policies of the Congress (I) or the Congress dominated by "authoritarian Mrs. Gandhi and the caucus." In the March 1977 elections, the Janata Party secured a victory over the Congress and formed the first Non-Congress government at the Centre. In this Government (erstwhile) Jan Sangh leader Mr. A.B. Vajpayee and Mr.L.K. Advani got important ministerial berths. However, the Janata Party fell apart when in 1979, the Charan Singh faction (the Lok Dal Group) defected from the Janata Party and formed the government with the Congress (I) support from outside. This arrangement, however, failed to work and led to sixth general elections. In January 1980 elections, the Janata Party and the Lok Dal both suffered a defeat at the hands of the Congress. Within the Janata Party there appeared a reaction against the Jan Sangh members because of their links with the R.S.S. In March, 1980, the Janata Party Parliamentary Board decided that "no legislator or the office bearer of the Janata Party shall participate in the day-to-day activities of R.S.S." On April 1980, this decision was endorsed by the Janata Party National Executive. The erstwhile Jan Sangh members were totally opposed to such a decision. They resigned their membership of the Janata Party and held a two-day convention at New Delhi on 5th and 6th April 1980. On 6th April 1980, they formed the Bhartiya Janata Party (BJP) with Mr.Atal Bihari

Vajpayee as its President. On 24th April, 1980, the Election Commission recognised BJP as a national party with Lotus as its symbol. Thus was born the BJP. Since 1980, the BJP has been an active actor in Indian politics. It remained in power at the centre during 1998—May 2004. Currently it is the recognised opposition party in the 14th Lok Sabha. However its popularity has suffered a decline not only because of its poor performance in elections (2004-06) but also due to factionalism within its ranks.

After its defeat in the Lok Sabha elections, the BJP came to suffer from several serious internal problems. LK Advani had to quit as BJP President. He was replaced by Rajnath Singh. Uma Bharti and Madan Lai Kharana left the BJP to form a new party. The RSS, the VHP and the Bajrang Dal came to be strong critics of BJP leadership and policies. BJP came to suffer a decline which got reflected in its poor performances in Assam, West Bengal, Tamil Nadu, Andhra, Haryana and Maharashtra Vidhan Sasha elections. Currently the BJP has been suffering both from organisational problems resulting from inner factionalism as well as from a decline in popularity with the masses.

4.8 IDEOLOGY, POLICIES AND PROGRAMMES OF BJP:

The BJP is a cadre-based well organised political party with a definite ideology. It identifies itself with 'Hindu' /'Hinduism' or 'Hindutva' but explains its meaning as Indianess. It is a rightist party but also affirms faith in democratic socialism and Gandhian socialism. It seeks to make India a Ram Rajya—a welfare state committed to secure the welfare of all the people of India. The Congress and the other Left parties always criticise it as a communal party. What BJP describes as its commitment to nationalism, other parties denounce that as communalism. Initially, no party except the Shiv Sena and SAD was really prepared to have an electoral alliance with it. But after 1996 it has been successful in forging alliance with several other parties. In 1998, as many as 23 political parties joined a BJP-led alliance and in 1999 it formed the National Democractic Alliance (NDA) with 23 other parties. NDA remained in power at the Centre between October 1999 to May 2004.

Section 2 of the BJP Constitution declares: "The party shall be committed to furthering national integration, democracy, positive secularism, Gandhian socialism

and value-based politics. The party stands for decentralisation of economic and political power." The BJP is pledged to defend the unity and integrity of India and for this cause is ready to join hands with every other party. It stands for the securing of a balance between the Centre and states and for appointing the Governors in consultation with the State governments. It seeks to abolish Article 370 of the Constitution. It advocates the creation of an Inter-State Council under Article 263 having the responsibility of resolving all inter-state and centre-state disputes. It advocates the granting of the Right to Work as a fundamental right. Decentralisation of powers and functions at political, economic and administrative levels, increased irrigation facilities and payment of remunerative prices to the farmers for their agricultural produce, minimum wages to all workers including the farm workers, statutory reservation for cottage, small and village industries producing consumer goods etc., have been the basic features of the BJP ideology. In the sphere of foreign policy, the BJP stands for the strengthening of non- alignment, full defence preparedness, exercising the nuclear option, strong stand against Pakistan for preventing its interferences in Kashmir and for securing durable and mature peace and friendship with other countries, particularly with the neighbouring countries. However, in 1998, while formulating the National Agenda for Governance (NAG) which was to guide the policies and decisions and programmes of the BJP-led alliance government formed in March 1998, the BJP decided to drop its controversial policies—construction of Ram Mandir at Ayodhya, uniform civil code for India and abolition of Article 370. Again in the election manifesto of the National Democratic Alliance—formed by the BJP with 23 other parties—which was issued before the Sept.-October 1999 Lok Sabha elections, the BJP kept these controversial demands into cold storage, at least for the next five years. Likewise at the time of elections to 14th Lok Sabha the BJP and the NDA partners issued a joint election manifesto.

4.9 NDA:ELECTION MANIFESTO 2004: AGENDA FOR FUTURE GOVERNANCE:

Unlike in 1999 when points for inclusion in the National Democratic alliance (NDA) agenda for governance were taken from different allies, this time it was the Bharatiya Janata Party leadership which got the NDA Election Manifesto prepared and released.

Apparently, the NDA convener and Defence Minister, George Fernandes, was the only ally who saw the "draft" agenda and approved it. The others were shown the original document when they signed it before the release for the document.

Besides the Ram temple issue, the document made a commitment to bring in legislation for the "protection of the cow and her progeny." In other words, the government was to ban cow slaughter, although the NDA allies had opposed this attempt in the outgoing Lok Sabha. Under a special mention on civil society empowerment, the NDA manifesto promised to encourage "religious establishments active in the social field" to take up mass feeding of the poor and care of orphans and the destitute, and campaigns against "social evils" such as female foeticide. The manifesto also promised legislation to make two- child norm a qualification for contesting elections.

While releasing the NDA Manifesto Prime Minister, Atal Bihari Vajpayee observed that he was "happy and satisfied" that the NDA had provided a stable and working alliance to the country. The manifesto was an expression of the maturity of the alliance, which had fulfilled its commitment to provide development and progress. "But more needs to be done for India to realise its full potential", he said, adding that "India was ready for a big leap forward."

The NDA promised to introduce a Bill to give 33 per cent political reservation to women "in the very first session" of the new Parliament. In response to questions, Mr. Vajpayee suggested that even if there was lack of unanimity, the Bill would be passed.

In the outgoing Lok Sabha, the Government had been willing to discuss a lower percentage of reservation, but some parties had opposed it.Infact there was virtually no issue that was not touched upon in the NDA Manifesto. It committed itself to "the ideal of secularism," and pledged to provide a "corruption-free governance." The peace dialogue with Pakistan for a lasting solution to all outstanding issues, including Jammu and Kashmir, was to continue.With a promise of a "second green revolution" in agriculture, employment generation, spread of education and health, starting a social development fund of Rs. 1,00,000 crores, providing a special financial package for the minorities to cover education, economic upliftment and empowerment [taken straight out of the BJP's 'Vision'], the document was exhaustive. It repeated the 1999 promise of creating nearly 1 crore jobs a year while the Prime Minister insisted that the outgoing government had fulfilled its 1999 promise.

The manifesto also talked about wide-ranging administrative and judicial reforms while it promised to double spending on healthcare. In the infrastructure sector, it promised additional generation of 50,000 MW of energy in the next five years and, of course, pride of place was to be given to the inter-linking of rivers project.

In a major shift from the past, and in deference to the wishes of the Bharatiya Janata Party, the National Democratic Alliance (NDA) agenda for governance declared on 8th April, 2004, its commitment to finding a solution to the Ayodhya dispute through "intensified dialogue" for a "negotiated settlement" or a court verdict that "should be accepted by all". While releasing the NDA's 36-page 'Agenda for Development, Good Governance and Peace,' the Prime Minister, Atal Bihari Vajpee justified the inclusion of the Ram temple' issue saying Ayodhya was "a public and national issue which could not be ignored and should not be allowed to go on or become an election issue." When the NDA convener, George Fernandes, was asked why the allies, who had kept the Ayodhya issue out of the 1999 NDA agenda, had agreed to include it this time, he said that he did not think anyone could object to the sentences in the agenda.

The manifesto also pledged to introduce legislation to ensure "that important offices of the Indian state could be occupied only by those who are India's natural citizens by their Indian origin."

The physical shrinking of the NDA became evident only five allied' representatives were present (Janata Dai-United, the Akali Dal, the Biju Janata Dal; the Trinammul Congress and the Indian Federal Democratic Party), while the Shiv Sena, which undoubtedly with the NDA, was absent. In contrast, the NDA in 1999 had over 20 partners.

Support Base of BJP:

The BJP enjoys a strong support base in India. Most of its members belong to the Hindu community particularly living in urban areas and belonging to Upper Castes. Further, it enjoys popular support of almost all sections of the Indian society, particularly the traders, educated middle class, Youth (ABVP), Working Class (Bhartiya Mazdoor Sangh—BMS), and Sangh Parivar (RSS, Shiv Sena and VHP). It has a committed cadre behind it.

4.10 MAJOR POLICIES OF BJP

a. **Clean Administration and Social Justice:** The Bhartiya Janata Party stands for a corruption free clean political system and rapid "economic growth with social justice."
b. **Vibrant SocialOrder and International Brotherhood:**BJP is committed to strive for the establishment of "vibrant social order" at home and promote the concept of " World fraternity" in international affairs.
c. **Ram Rajya as the Ideal:** Pledging to take the country towards 'Ram Rajya', the party assured the people that it believes in consensus and cooperation and not in confrontation and conflict. "It would uplift the poor and the down-trodden without pitting caste against caste and inciting class against class."
d. **RamMandir and Babri Masjid Issue.** On the Ayodhya issue BJP holds that, "As the party of law, order and justice, it would ensure the security of life, limb and honour of all citizens. It seeks the restoration of Ram Janmabhoomi

in Ayodhya only by way of a symbolic righting of historic wrongs so that the old happy chapter of acrimony could be ended, and Grand National reconciliation affected. Hindus and Muslims are blood brothers. But on account of historical reasons their relations have not been harmonious. It shall be the endeavour of the BJP to make all Indians fraternal and friendly once again."

i. In December 1992, when the BJP was ruling the state of UP, a large number of *kar-sewaks* were in a position to demolish the disputed structure at Ahyodhya, and this - led to the dismissal of the BJP government.

e. **Secularism:**Underlining that theocracy is alien to India's cultural heritage, the party stresses that there is no room for discrimination against anybody on grounds of caste, creed, language or region. "It is the duty of the State to ensure justice for all citizens and for all sections of the society."

f. **Support for Sarkaria Commission:**Favouring restructuring of Centre-State relations, the party holds the commitment to implement the Sarkaria Commission report on the subject. "The BJP is wedded to national unity and national integrity and a balanced development of all regions and all sections. To these ends we will have politically not only a strong Centre but also strong autonomous States."

g. **To Prevent the misuse of Article 356:**The BJP promises to invoke Article 356, permitting dissolution of State Government by the Centre only when the constitutional machinery has in fact broken down and not to promote any partisan interests.

h. **To remove Regional Imbalances:**To tackle the problem of regional imbalances, the party purposes to appoint a commission to report on formation of smaller States which are economically and democratically viable.

i. **To Incorporation of Presidential System or at least some of its features in India:** The BJP promises to set up a commission to study and report, whether the Presidential system of government could give the country a more stable government than the present parliamentary system.

j. **Deletion of Article 370:** The BJP will delete the temporary Article 370 from the Constitution which "more than anything else psychologically separates Jammu and Kashmir from the rest of the country." However since 1998, the BJP has not been advocating such a demand.

k. **Changes in Article 30:** It proposes to rationalise and suitably amend Article 30, which permits minorities to run their own schools, so as to "ensure justice and equality to all irrespective of religions."

l. **Debureaucratisation:** The BJP vows to "debureaucratise" the economy to maximise production. "We will make even the Sarkari sector productive and profitable by throwing open some of the public sector units to people's participation."

m. **Development of Science and Technology:** Promising to modernise the country on the basis of science and technology, the BJP says "We want to do a thousand things to uplift the people and upgrade the country. And we have the first principles, the sound policies, the wise leadership and the dedicated cadres to do them well."

n. **Appointment of Law Commission and Human Rights Commission:** The BJP proposes to appoint a Law Commission to study various civil laws so as to evolve a common civil law for the whole country in order to give all the citizens a feeling of unity and brotherhood. In place of Minority Commission, which entertains complaints of discrimination only from minority sections, "we will have a Human Rights Commission to look into complaints of injustice against any section of society." BJP stands for the formulation of a uniform civil code for the whole of Indian society. But as a part of the National Democratic Alliance formed in 1999, it decided to keep such a demand in abeyance.

o. **Views on Punjab and Kashmir:** The party proposes to give relief and provide rehabilitation to the widows and orphans of 1984 riots in Delhi and elsewhere and would also ensure that the guilty men responsible for the

outrage are punished. It would have the various grievances of the people of Punjab examined in depth by the experts including.

p. **Use of Doordarshan and AIR for propagation of Indian Cultural Values:** The party wants to lift the AIR and Doordarshan ban on the use of 'classical symbols' like OM, Swastika, Sri Chakra etc., as also to screen Ramayan, Mahabharat, Bhagwat and other epics and classics in various Indian languages and encourage the study of Sanskrit.

q. **Economic Policies:** BJP's economic agenda involves the desire to free the nation of dogmas and to follow unfettered liberalisation. It favours the raising of MRTP floor level and the privatisation of public sector. It promises to raise the income tax exemption limit as well as for the abolition of Octroi Duty. It also stands for effecting uniformity in the sales tax rates throughout the country.

r. **Job Reservation:** On the political front, the BJP admits the policy of reservations for the backward classes in addition to the Scheduled Castes and Scheduled Tribes. It also fully supports the demand for reserving 33% seats for the women of India.

s. **BJP's Foreign Policy:** In the sphere of foreign relations the BJP is critical of both China and Pakistan as they are in possession of parts of Indian territory. But whereas it proposes to invite Pakistan for resolving disputes in terms of the Simla agreement, it offers no such remedy to China. In the 1989 Election Manifesto of the party, the emphasis was on pursuing a policy of peace, friendship and cooperation with neighbouring countries. In the 1991 manifesto, the neighbouring countries were restricted to SAARC with which the BJP wanted to strengthen relations and thereby wanted to the strengthening of SAARC.

t. BJP also supports fully the case of India developing its own nuclear weapons. In May 1998, the BJP-led government of India decided to conduct nuclear tests and to make India a nuclear power. Five nuclear tests were conducted on

11 and 13 May 1998 and India declared herself to be a nuclear power. BJP opposes both the NPT and the CTBT in their existing forms.

u. In 1995, BJP was the only political party which supported the cause of retaining TADA in the interest of the needs of the unity and integrity of India. While it strongly opposed the misuse of TADA, it held that it was needed to check terrorism, militancy and secessionism operating in several parts of the country. It regards new legislation for preventing the organisation and activities of terrorist organisations operating from within India. On 26 March, 2002 the BJP-led government was in a position to get pass POTO in a joint sitting of the two houses of Parliament.

v. To fight the forces of terrorism and the supporters and helpers of terrorism.

w. To put international pressure on Pakistan for compelling it to abandon its policy of sheltering, helping, training and supporting terrorism.

x. To use all means political, diplomatic and military for ending the menace of cross-border terrorism.

y. To oppose the policies of the present UPA government. BJPstrongly criticizes the working of Congress-led UPA Government because of the existence of a dual authority mechanism (PM Manmohan Singh and Congress President and CPP leader Smt. Sonia Gandhi) and due to the dependence of this government on CPM & CPI support.

The BJP stands committed to preserve, protect and defend national unity, democracy, positive secularism, Gandhian socialism, value-based politics, economic liberalisation, political decentralisation and rapid social-economic development of India, with a view to secure a due status in the world.

In 1999 and 2004 the BJP did not issue separate election manifestoes as it had formed a pre-poll coalition—the National Democratic Alliance (NDA) with 23 other political parties. Hence the election manifesto' of the NDA can be treated as a BJP-policy plank.

4.11 PERFORMANCE OF BJP IN INDIAN ELECTIONS:

The BJP came into existence as a distinct political party in April 1980, after the leaders of the erstwhile Jan Sangh came out of the Janata Party. It was in 1984 that it contested the elections as a new party of the former Jan Sangh leaders, supporters and members.

In 1977, the Jan Sangh has merged with several other political parties and formed the Janata Party. The Jan Sangh leaders contested 1977 elections on Janata Party tickets and won 91 Lok Sabha seats. They secured 14 per cent popular votes. However, the infighting and factionalism within the Janata Party led to its split in 1979 when the Charan Singh faction parted company. The Jan Sangh faction, however, remained with the Janata Party. In the 1980 elections, again the erstwhile Jan Sangh leaders contested elections on the Janata Party ticket but suffered a big blow both in terms of seats and popular votes. They got only 14 Lok Sabha seats and polled just 8.60 per cent votes. They suffered a loss of 77 seats and 5.40 per cent popular votes. After the elections, the Jan Sangh leaders left the Janata Party over the issue of their links with the R.S.S and formed the BJP in April 1980.

In 1980 the BJP contested elections to the nine State Vidhan Sabhas (Legislative Assembly) and fielded 2237 candidates. However, it could win only 139 seats in the 9 Assemblies. It got lesser seats than all other parties except the Congress. It failed to open its account in Orissa and Tamil Nadu, and in Punjab it got only one seat. However it got 59 seats in MP and 38 seats in Rajasthan. In May 1982 elections to Haryana, HP, WB and Kerala Vidhan Sabhas the BJP failed to get any seat in WB and Kerala. However, it got 28 out of 68 seats in H.P. Vidhan Sabha and in Haryana it got 6 seats. In January 1983 elections, it got 18 and 3 seats in Karnataka and Andhra Pradesh Assemblies respectively. The BJP contested 1984 Elections to the Lok Sabha independently without entering into any electoral alliance with another party. However, it came out with a dismal performance with only two victories out of 224 seats contested and a popular vote percentage of just 7.66%. Even the BJP stalwart Mr. Atal Bihari Vajpayee failed to win his seat. The BJP also failed to perform well in the March 1985 elections to 11 State Vidhan Sabhas.

In November 1989 elections, BJP entered into electoral adjustments with some of the constituents of the National Front. In these elections it captured 88 Lok Sabha seats and demonstrated its new popularity. It helped the formation of National Front Government at the Centre by supporting it from outside. In February 1990, elections to eight State Vidhan Sabhas were held and BJP came out with a splendid performance. It was voted to power in three states (MP, Rajasthan and HP) and scored important victories in other states.

In November 1990, the BJP caused the fall of the National Front Government by withdrawing support from it. This was done in protest against National Front Government's opposition to the BJP's stand on the Ram Janamabhoomi issue and its decision first to make the path of Rath Yatra launched by the BJP difficult and then to arrest the BJP President Mr. L.K Advani, who was leading the Rath Yatra. The fall of the National Front government led to the installation of a minority government of PM Chander Shekhar Janata Dal (S). However, it could work for only about six months.

Fresh elections for electing the tenth Lok Sabha were held in May 1991. The BJP decided to contest these elections independently without entering into a poll alliance or making adjustments. (With the exception of its alliance with the Shiv Sena in Maharashtra). The BJP contested 479 Lok Sabha seats and was in a position to win 119 seats. In as many as 130 constituencies its candidates ended as first runner ups. It emerged as the second largest party in the Lok Sabha, next only to Congress with 225 of the seats. By virtue of this performance, the BJP got recognition as the opposition party and its leader Mr. L.K. Advani (later on Mr. Atal Bihari Vajpayee) got the status of "the leader of opposition in the Lok Sabha." The BJP captured 50 out of 82 Lok Sabha seats in Uttar Pradesh. In the national capital, Delhi, it got five out of seven seats. Its performance in Vidhan Sabha elections, which were simultaneously held with the Lok Sabha elections, was also remarkable. It scored a big victory in U.P. Vidhan Sabha by winning 211 out of 404 seats contested by it. In Haryana it got 2 and in Assam 10 seats. Its share in the popular votes went up from 12.4 per cent in 1989 to 19.4 per cent in 1991. It chalked out impressive percentage gains—even where it got none or only a few seats—in states like Karnataka, Andhra Pradesh and

West Bengal. Its vote percentage in West Bengal rose from 1.5 to 9.5 per cent. Overall it registered a positive swing in popular votes by 8.5 per cent.

In February 1992, the BJP contested the Punjab Vidhan Sabha elections and got 6 seats. In the same year, after the demolition of the disputed structure at Ayodhya by the *Kar Sewaks* on 6th December 1992, the BJP Governments in UP, MP, HP and Rajasthan were dismissed. At the time of the dismissal of the BJP Governments in these states, the strength of the BJP was as follows: Rajasthan 85, UP 221, MP 220 and HP 44.

Thereafter elections to these four Assemblies were held in November 1993. But the BJP lost the Congress in HP & MP and in UP to the SP-BSP combine. In Rajasthan .It emerged as the single largest party with 97 out of 199 seats for which elections were held. It was in a position to form the government in Rajasthan with the support of some independents.

In the first ever elections to the newly formed Delhi Legislative Assembly held in November 1993, the BJP came out with excellent performance by winning 49 out of a total of 70 seats. It came to power in the National Capital Region on 2nd December, 1993. However, in the May 1994 by-elections to the 8 Lok Sabha Seats, the BJP could capture only one (Meerut) seat. In March- April 1995, State Assembly elections, the BJP came to power in Gujarat and in Maharashtra the Shiv Sena-BJP combine came to power. In Gujarat the BJP won 121 seats and in Maharashtra 65 seats. It could get only 9 seats in Orissa, 40 in Karnataka and only 3 in Andhra Pradesh. In May-June 1995, the BJP became instrumental in getting installed a BSP government in UP with Ms.Mayawati as the Chief Minister by extending support from outside to her government. But this arrangement failed to work endingly.

The success and popularity graph of BJP began registering a swing forward in the last decade of the 20th century. From a party which secured just 3 seats in 1952, it came to be the single largest party in the eleventh Lok Sabha 1996. Its popularity vote chart also ascended from just 3.1% to about 26.5% in 1952 to 23.5% in 1996.

In 1996, it emerged as the single largest party in the Lok Sabha with 161 seats (BJP + HVP + SAD + Samta Party + BSP Alliance = 193 Seats) against the Congress which secured 140, the JD 44, CPM 32 (U.F. Alliance 188 seats in all). In May 1996, it formed the government at the Centre with Mr.Atal Bihari Vajpayee as the Prime Minister. But this Government could remain in office for only 13 days. Thereafter, it became the recognised opposition party in the 11th Lok Sabha.

In March 1998 elections to the 12th Lok Sabha, the BJP registered a sizeable gain. Individually it secured 180 seats and along with its alliance partners it was in a position to secure 253 seats. BJP secured 25% popular votes. The BJP-led government was formed at the Centre with Shri.Atal Bihari Vajpayee as the Prime Minister. This government got outside support from TDP and NC. However in November 1998, it lost power to the Congress in Rajasthan and Delhi. The BJP-led government at the centre also could last for about a year as on 17 April, 1999, it failed to win a trust vote by a margin of just one vote. At the time of dissolution of 12th Lok Sabha, the BJP had 182 seats and the BJP-led alliance had 269 votes. Thereafter the BJP-led government became a care-taker government.

In 1999, the BJP formed a pre-election alliance—the National Democratic Alliance (NDA), with 23 regional/local parties, prominent being SAD, Shiv Sena, DMK, Samata Party, Lok Shakti, Janata Dal (U), Trinamool Congress, PMK andothers. The NDA contested the elections to 13th Lok Sabha on the basis of a common election manifesto. In these elections the NDA got a simple majority with 296 Lok Sabha seats with BJP's individual score of 182. The NDA formed a government at the Centre on 13th October, 1999. While the TDP extended outside support to the NDA government, the National Conference joined the government. The BJP achieved a clean sweep in Delhi but suffered reverses in UP. In Maharashtra, the BJP-Shiv Sena coalition suffered a setback and in its place the Congress-NCP coalition came to power in this state. It came to power in HP and in UP but later on its support base and popularity registered a decline. Its UP unit remained infested with factionalism. Gujarat continued to be under BJP rule. The BJP increased its presence

in the South, West Bengal and North-Eastern states. During 1991-1999 the BJP, indeed strengthened its position and role in Indian Politics.

However around 2000, BJP's popularity began declining. It lost to Congress in Rajasthan. In Maharashtra the BJP-Shiv Sena suffered a defeat and Congress-NCP alliance came to power. In February 2002 elections to UP, Punjab, Uttranchal and Manipur Vidhan Sabhas, it suffered heavily. In Punjab BJP-SAD alliance lost to Congress. It also lost power in Uttranchal and came a poor third in UP. In 2003, the BJP was successful in capturing power in Rajasthan MP and Chatisgarh. However it lost to Congress in HP and in Delhi it failed outs the Congress. In Chattisgarh, the BJP got 50 out of 90. Vidhan Sabha Seats, in Rajasthan 120 out of 200 seats and in MP 172 out of 230 seats. However, in Delhi it could get only 20 out of 70 seats and failed to perform well. Victories in 3 states encouraged the BJP leadership to prepone the elections for 14th Lok Sabha. However the decision proved to be a wrong one as the BJP and its NDA suffered a big loss. The BJP could get only 138 Lok Sabha seats while the Congress got 145 seats. Further, the BJP-led NDA could get only 185 seats, while the Congress and its allies were successful in capturing 217 seats. Consequently the BJP-led NDA lost power to the Congress-led UPA. Thereafter, the BJP's popularity registered a further decline when it failed to perform well in Vidhan Sabha Elections held between 2004-06. Internal groupism and lack of strong and effective leadership alongwith a low morale resulting from the power loss, has been currently keeping the BJP down and even directionless. Even the replacement of LK Advani by Rajnath Singh as the BJP President has not really helped this party to improve its organisation and image.

4.12 COMMUNIST PARTY OF INDIA (CPI)

Under the influence of the ideology of Marxism, particularly after the successful Socialist Revolution of 1917 in Russia, several socialist/labour organisations were formed in India. In 1924, some such organisations held a joint conference at Kanpur and formed the Communist Party of India (CPI). The CPI expressed full faith in the ideology of Marxism-Leninism. It advocated that complete independence of India can be secured only through the adoption and use of Marxism

as interpreted and used by Lenin, (revolutionary means). In 1934, the Government banned the CPI and arrested its leaders. The communists then joined the Congress for popularising the ideology of socialism.

In 1942, when the Communists opposed the Quit India Movement and supported the Soviet involvement in the Second World War on the side of the Allies, the ban on CPI was lifted. Thereafter, the CPI started gaining more and more popularity.

After independence, the CPI decided to participate actively in the political process and to contest elections. For this purpose it amended its constitution and accepted that peaceful and constitutional means can also be used for promoting the interests of the working class. It began actively participating in the elections. In the first three elections held in 1952, 1957 and 1962 it got 28, 27 and 32 Lok Sabha seats. In 1957 it became the first non-Congress party to form a government in Kerala.

However, towards late 1950s internal conflict came to develop among its members over the issue of the question of support for Soviet Communism vs. Chinese Communism. In 1962 when Chinese aggression against India took place, this conflict became more marked and aggressive. While the rightists among the leftists condemned the Chinese aggression against India, the staunch leftists refused to brand China as an aggressor. While leaders like Dange, Nayar, Dr.Ahmed and Yogender Sharma gave full support to the policies of Nehru's cabinet, comrades like Basu, Sunderyya, Namoodripad and Surjit refused to condemn China. They resigned from the CPI, and in April 1964, thirty two out of ninty six members of the national executive of CPI boycotted its meeting. A split in the CPI became inevitable. In September 1964, 11 out of 32 members of the Lok Sabha led by Mr. Gopalan formed a new party—the Communist Party (Marxist), *i.e.,* CPM and got recognition as a separate party. It gave a big set back to the CPI.

Since 1964, the CPI has participated in the Indian political process and trying to increase its popularity vis-a-vis the CPM.

The CPI is a well organised cadre based party. Its primary unit is a cell which consists of a minimum of 2 or 3 of its members belonging to a factory or a ward or mohalla. At the local level, it has the four organisational units—Intermediate Party Organs, District Conference, District Parishad and District Executive. At the state level it has three organs: The State Conference, the State Council and the State Executive Committee. At the national level it has four organs: All India Party Congress, National Council, Central Executive Committee and the Party Congress, National Council, Central Executive Committee and the Party Secretariat. At each level the Conference acts as a deliberative body, the Council acts as the administrative body and the executive committee acts as the director of the party. CPI is a tightly organised party and the principle governing its organisation is Democratic Centralism, *i.e.,* democratised structure and centralised functioning or decision-making. The Communist Party of India has its support base among the agricultural and industrial labour class as well as among the weaker sections of the Indian society.

4.13IDEOLOGY, POLICIES AND PROGRAMMES OF THE CPI

Ideologically, the Communist Party of India stands committed to the principles of Secularism, Democracy, Marxism-Leninism, Non- alignment and opposition to Imperialism and Colonialism. Between 1947 to 1990 it remained very close to the Soviet Communist Party. After the emergence of anti-Communist movements in the Soviet Union and other (former) socialist states of Europe, the CPI, like other Communist Parties all over the world, began struggling to define clearly its ideological commitments. It now stands committed to secure the following:

1. While accepting that socialism is the final goal, the CPI holds that keeping in view the Indian environment it cannot be projected as the immediate goal. For the present, the CPI stands for democratisation and socio-economic reconstruction of the system. This can be achieved, believes the CPI, only by the leftist and democratic forces.
2. For the preservation of secular democratic set up, the CPI favours an all out struggle against the forces of secessionism, protection of the interests of all

the minorities and prevention of the misuse of religious places for the spread of communalism and hatred among different communities.

3. CPI firmly believes that for the progress of the nation as a whole the most essential necessity is the preservation of the unity and integrity of the nation. We must ensure and preserve the secular democratic structure and social justice, provide for decentralisation and grant of greater autonomy to the states of the federation.

4. For securing Social Justice in India, the CPI advocates comprehensive measures which include :
    i. As recommended by the Mandal Commission *27%* of jobs are reserved for persons belonging to other Backward Classes.
    ii. 10 per cent central jobs should be reserved for the economically backward people of other high castes.
    iii. Land reforms should be introduced for protecting the interests of the landless and other poor people who are dependent upon land for their livelihood.
    iv. Adequate wages should be provided for urban and ruler workers.
    v. 30 per cent of all jobs should be reserved for women.

5. For securing decentralisation and greater autonomy for states, the CPI suggests that :
    i. Centre-state relations should be remodelled in the true spirit of federalism.
    ii. Greater autonomy should be given to States.
    iii. The division of legislative, administrative and financial relations between the centre and states should be restructured.
    iv. Suitable measures should be adopted for preventing a misuse of powers by the President and the Governors.
    v. Article 356 should be deleted from the Constitution.
    vi. The fate of every state government should be determined on the floor of the State Vidhan Sabha.

vii. For securing decentralisation more powers and resources should be transferred to the local level institutions.

6. The Indian economy should be secured wasteful public expenditure should be eliminated. Additional taxes should be made self-reliant and democratic. For this purpose special steps should be taken for arresting the deteriorating economic condition, and immediate measures should be initiated for checking rapidly increasing deficit and foreign debt. Public Sector should be strengthened for securing planned development. Workers' participation in industrial management should be secured. Wasteful public expenditure should be eliminated. Additional taxes should be levied on urban and rural rich, and the people in general should be given tax relief.
7. For curbing monopolies, the small sector and indigenous technology should be developed. Restrictions should be placed on monopoly houses and multi-national corporations, and while securing loans from IMF and World Bank no precondition which is not in our interest should be accepted. Small sector and cottage industries should be developed. Indigenous technology should be developed for securing self-reliance. Import of such technology as is considered essential for increasing productivity should be undertaken.
8. For securing integrated rural development and uplift of the tillers of land, the CPI advocates that 50 per cent of the total national budget should be spent on rural development. Surplus and governmental land should be distributed among the landless and poor peasants. Interests of farm workers should be protected through the enactment of such laws as are demanded by their organizations. Minimum wages for the farm workers should be fixed. Peasants should be provided all help and low interest loans and loan-waving schemes should be implemented. Comprehensive crop insurance scheme should be introduced. Special steps should be undertaken for increasing the irrigational facilities, and availability of potable drinking water should be ensured for all villages.

9. Need based minimum wages should be fixed for low-paid workers working in factories, handloom sectors arid *Bidi* manufacturing units. All workers should be provided social security.

10. In order to protect the interests of women, the CPI suggests the following steps :

i. Women should enjoy equal status, pay and opportunities with men.

ii. Women movements and struggle for securing equal rights with men should be supported.

iii. Anti-dowry laws should be effectively implemented.

iv. The barbarian practice of bride-burning, sex determining tests, child marriage, the evil practices of dowry and sati should be strictly dealt with.

v. Children homes should be established near the place of work of the women.

vi. Special measures should be initiated for providing vocational education and training to the women.

The CPI affirms its commitment to protect the rights and interests of the women.

11. CPI advocates the adoption of effective measures for controlling the price rise. For this purpose it demands that:

i. Public distribution system should be expanded to cover all essential commodities ;

ii. Wholesale trading in food grains should be taken over by the government ;

iii. Effective steps should be undertaken for checking hoarding and black-marketing ; and

iv. The collection of sales tax at the production level should be made.

12. CPI wants:

i. The incorporation of the right of work as a fundamental right of the people ;

ii. Implementation of employment plans for providing employment to rural work force and unemployed youth ; and

iii. Grant of unemployment allowance to the unemployed, provision for sports and cultural facilities for the youth, compulsory primary education and free

education upto secondary level, free mid-day meal for primary level school children, and vocationalisation of education.

13. Effective steps should be undertaken for rooting out the menace of corruption. For this purpose special judicial machinery should be created for investigating all charges of corruption against all public leaders and high level civil servants. The declaration of their assets by all the representatives of the people, ministers and other high officials on the floor of the legislature should be made compulsory.

14. Frequent meetings of the National Integration Council should be held and its decisions should be implemented within a specific time. The Ram Janambhoomi-Babri Masjid dispute should be resolved either through negotiations or through a decision of the Court. "*Status quo* in respect of all religious places as prevailed on 15 August, 1947 should be maintained. Special anti-riot or peace-keeping force should be raised by recruiting persons belonging to all communities. The interests of the people belonging to the Scheduled Castes and Scheduled Tribes and of the tribal people should be effectively protected. Some of the Panchayat seats should be reserved for the persons belonging to the Scheduled Castes and Scheduled Tribes.

15. The service conditions of the Jawans should be improved, grievances of ex-servicemen should be removed through negotiations, and the principle of 'one rank one pension' should be adopted.

16. Urban and rural poor should be given free land for constructing their houses, people of low income groups should be given houses at subsidised rates, land price hike in urban areas be arrested, ceiling laws covering urban land be enacted and incorporated in the Ninth Schedule of the Constitution, free medical programmes should be run on a large scale and district level health services should be improved in a big way.

17. Steps should be undertaken for the development of the mother tongues of various regions. Three Language Formula should be enforced; Urdu should be given protection and in areas where it is the mother tongue of a majority of people, special steps should be taken for its development.

18. Electronic media is made autonomous and responsible to the Parliament. Means of mass media should be used not only for providing news and information but also for propagating and spreading the spirit of tolerance, religious harmony, humanism and fraternity among the people of India.

19. Electoral reforms aimed at the elimination of role of money and muscle power in elections should be made. The CPI supports the introduction of proportional representation in India.

20. The CPI wants an end of all repressive laws and wants introduction of reforms in the judicial system for enabling the people to have easy and less expensive access to justice.

21. In the sphere of India's foreign relations, the CPI stands for non-slackening of India's independent foreign policy of peace and non-alignment. It wants that:

a. India should in no case submit to the American threat and dominance ;
b. Efforts should be made for strengthening the unity of the Third World and the Non-aligned Movement ;
c. Policies of colonialism and apartheid should be strongly opposed ;
d. The liberation movements being carried out by the people of Palestine, and Western Sahara should be given total support ;
e. Areas under illegal Israeli occupation should be got vacated ;
f. Support for anti-imperialism and independent foreign policy should be strengthened ;
g. UN role in the international affairs should be invigorated ;
h. Cooperation with new sovereign states should be encouraged ;
i. Policies of peace and disarmament should be supported ;
j. Friendship with time-tested friends like Russia should be strengthened;
k. Attempts should be made for improving ties with China ;
l. Indo-Pak relations should be fully normalized ;
m. Friendship and cooperation with all our neighbours should be cemented; and
n. Development of SAARC and strengthening the unity of Asia should be achieved.

22. The CPI wants to strengthen the Third Front in the Indian politics. But at the same time, it is prepared to support the Congress as well as to have electoral adjustments with it during elections.

23. To strengthen democratic and secular forces and to attempt to keep BJP away from power.

24. To eliminate red tapism and corruption in administration.

25. To terminate privatisation and globalisation and protect the sovereignty and self-dependence of the country.

26. To strengthen public sector.

27. To step up the drive for securing rapid development of agriculture, science, technology and industry.

28. It favours special steps for helping small and medium farmers and industrialists.

29. It stands for increasing avenues for self-employment.

4.14 PERFORMANCE OF CPI IN ELECTIONS

Before its split in 1964, the CPI used to perform quite well in Indian elections, and it used to get more than 20 seats in the Lok Sabha. In 1952, it got 23 Seats in the first Lok Sabha. In 1957, 29 and in 1962, 29 Lok Sabha seats. Even in 1967 and 1971, it could get, despite the formation of CPM, 23 and 24 Lok Sabha seats respectively. However, thereafter its popularity graph began suffering a big decline.

In 1977, it got only 7 seats and in 1984, it touched the lowest mark with only 6 seats. In 1991, it won 12 seats in the tenth Lok Sabha. In 1996 it retained these 12 seats in the eleventh Lok Sabha. When in 1996 the United Front formed its Government at the Centre, the CPI joined the Government and its General Secretary Mr. Indrajit Gupta became the Home Minister. It was also a partner in the second UF Government which remained in power from April 1997 to March 98. Thereafter its position again began becoming weaker. In the 12th Lok Sabha it won only 9 seats and in the 13th Lok Sabha (October 1999) it tally came down to just 4 seats. In Feb 2002, it contested Punjab Vidhan Sabha elections in alliance with the Congress, but it got

only one seat. In the Lok Sabha elections 2004 it won only 10 seats out of 34 that it contested. It decided to extend support from outside to the new ruling alliance, the Congress-led UPA.

Ideologically, the CPI now accepts the need for interaction with the capitalists. It holds that while certain sectors should continue to be state controlled, there are many other areas which could use private investment and that the state should help private entrepreneurs in developing the economy. Since such a view is very close to the Congress thinking, the CPI finds it possible to extend support to the Congress and to have electoral adjustments with it. CPI, however, finds it difficult to reconcile with the CPM, even though both adhere to the ideology of left. CPM now happens to be more popular than CPI. CPI wants to become closer to the CPM, but several factors continue to hinder the process of reaching an understanding with the CPM.

4.15 THECOMMUNIST PARTY OF INDIA (MARXIST)-CPM

The Communist Party of India (Marxist) had its birth in 1964 as a result of a split in the CPI. However, some CPM leaders, like EMS Namboodripad hold the view that the history of the Communist Party of India (Marxist) is as old as the history of the communist movement in India. What happened in 1964 was only a formalisation of the ideological differences which had been developing since the independence of the country. In 1964, the split in the CPI came over two issues :*(i)* the nature of relations of the Indian communists with the Soviet and Chinese Communists, and *(ii)* the nature of relations with the Congress which was in power in India.

Some top leaders of the CPI decided to form another party, *i.e.* the CPM because they were not prepared to brand Chinese Communism as an aggressive ideology favouring expansionism. They were not happy with the acceptance of peaceful coexistence by the Soviet Communists. They were more favourably inclined to accept the Maoist line of confrontation with the capitalists. They were also not willing to indict Chinese aggression against India in 1962 as they felt that a socialist country like China could never behave as an imperial power. These members, prominent among them being EMS Namboodripad, Jyoti Basu Harkishan Singh

Surjit, P. Sundaraya, and P.D. Gupta, formed a separate party—the Communist Party of India (Marxist).

4.16 CPM:PERFORMANCE IN ELECTIONS

Since 1964, the CPM has been an important actor in the Indian political system. Over the years it has emerged as a more popular party than the CPI. In 1967 elections it polled 4.4 per cent of popular votes and secured nineteen Lok Sabha seats. Thereafter its popularity began registering an increase. However, it now remains stable at about 7% of the popular votes. It has been continuously securing 32 seats in the Lok Sabha since 1996.

In West Bengal, Tripura and Kerala in particular, the CPM has been greatly popular. Since 1980 the CPM has been in power in West Bengal. In May-June 1991 elections, the CPM won 27 Lok Sabha and 187 West Bengal Vidhan Sabha seats and thus repeated its performance of 1987 and 1989 elections. In 1983 elections, the Left Front led by the CPM captured 2/3rd seats in the Tripura Vidhan Sabha. It remained in power in Kerala for about 6 years. It was only in May-June 1991 elections that it suffered a stunning defeat. The CPM and its ally, the Forward Bloc continues to rule the West Bengal since 1982. In April 1993, the CPM was in a position to win 3/4th of the 60 seats of Tripura State Legislative Assembly. It formed the government alongwith its alliance partners. In 1996 elections to 11th Lok Sabha and West Bengal Vidhan Sabha, the CPM almost maintained its popularity and support base. It got 32 seats in the Lok Sabha and 150 out of 294 seats of WB Vidhan Sabha. At the Centre it extended support from outside to the United Front government, while it, alongwith its alliance partners, formed the government in West Bengal for the fifth time in a row. In 1999 Lok Sabha elections it maintained its tally of 33 seats but failed to strengthen the third front—the Left Front or anti-BJP front in Indian politics.

In 1998, it again asserted its dominant position in Tripura by winning 2/3rd majority in the state Vidhan Sabha. However it failed to get a even a single seat in HP, Nagaland, Meghalaya and many other states Further, in November 1998 it failed to do well in assembly elections held in Delhi, Rajasthan, MP and Mizoram. In the elections for the 13th Lok Sabha and five state assemblies (Maharashtra, Karnataka,

AP, Sikkim and Arunachal Pradesh), the CPM, while winning 33 Lok Sabha seats again failed to perform well in assembly elections. Similar was the case of February 2000 assembly elections held in the states of Bihar, Orissa, Haryana and Manipur and February 2002 assembly elections held in UP, Punjab, Uttranchal and Manipur. However in 14th Lok Sabha Electrons 2004, the CPM was successful in increasing its seats and votes. It won 43 out of 69 seats contested with 5.69% popular votes. It played an important role in helping the Congress-led UPA to come to power in the Centre.

After the decision of charismatic CPM leader Mr.Jyoti Basu to step down from Chief Ministership of the West Bengal, several scholars and leaders came up with the view that this development would weaken the CPM in West Bengal. However, the CPM, acting under the leadership of Sh. Budhdeb Bhattacharya successfully swept the West Bengal Vidhan Sabha elections held in May 2001 by winning 144 seats and returned to power for the sixth time in succession. The CPM, however, failed to perform well in Kerala where the Democratic Front (Marxist Front) suffered a defeat (It won only 23 setas). The CPM also failed to even open its account' in Assam and Pondicherry. In 2004, the CPM decided to support from outside the Congress-led UPA. It was done to prevent the BJP from coming to power. In 2006, the CPM scored Victories in Vidhan Sabha elections held in West Bengal & Tripura and Kerala. In West Bengal it returned to power for a record seventh time in succession. It also came to be a majority party in Tripura Vidhan Sabha and a ruling partner. In Kerala in West Bengal CPM got 176 Vidhan Sabha seats, and in Kerala 61 seats. Infact between 2004-06, the CPM was in a position to improve its position, particularly in West Bengal, Tripura, and Kerala. Currently, it has been supporting the UPA government, despite several differences with the Congress and despite reviving the attempts at forming of the Third Front. CPM has been acting as a strong pressure group for the Congress-led UPA Government. It has been strongly influencing the policies of the UPA, particularly the policies aimed at privatisation and disinvestment of Public sector. CPM is now trying to increase its support base in UP and North-Eastern states.

4.17 IDEOLOGY, POLICIES AND PROGRAMME

The CPM is a leftist party committed to the objective of socialism. Even after the decline suffered by the socialist states and the ideology of socialism, the CPM continues to voice its adherence to socialism.

The CPM believes and advocates the following policies:

1. For strengthening the democratic system, the CPM advocates : (i) the need for fighting the forces of authoritarianism ; *(ii)* grant of more fundamental rights to the people ; *(iii)* better protection of the fundamental rights ; *(iv)* termination of all repressive laws.
2. It favours several constitutional reforms : (*i*) Adoption of the system of proportional representation in India ; *(ii)* Strengthening of the Parliamentary system ; *(iii)* Reforming the Judiciary for securing its independence ; and *(iv)* Securing easy access to Justice for the common people.
3. CPM stands for : *(i)* a reconstruction of the whole system of centre- state relations in India ; *(ii)* grant of more powers and autonomy to the State ; *(iii)* deletion of Article 356 from the Constitution ; and *(iv)* support for the progressive policies of the leftist governments.
4. For preserving the unity and integrity of the nation, the CPM wants the mobilisation of people for opposing the forces of separatism, communalism and secessionism and for maintaining a strict vigilance over the forces of imperialism which are trying to weaken our nation.
5. Regarding the Ramjanambhoomi vs. Babri Masjid issue, the CPM favours an end to all movements being run by various groups over this issue. The dispute should be resolved either by direct talks or through a decision of the court. Further, a law should be enacted for maintaining the statics status quo, as prevailed on 15 August, 1947, in respect of all religious places.
6. In respect of the problems of Assam, and J & K, the CPM holds that the legitimate demands of the people of these states should be accepted. Within the framework of the Indian Constitution, the people of these states should be

ensured their distinct identities, and immediate steps should be initiated for resolving these problems.

7. There is need to secure the autonomy of the Indian economy from the clutches of Western dominated international economic institutions like the World Bank and IMF. The directions given by the IMF and the World Bank should not be followed. Self- reliance and self-dependence should be maintained and strengthened through the development of alternative and indigenous resources. Black money in Indian economy should be eliminated through appropriate policies and decisions. The rich should be more heavily taxed, imports should be reduced, and the growing menace of multi-national corporations in the Indian economic system should be eliminated. The public distribution system should be strengthened and effective steps should be taken to curb wastage in the use of public resources and funds.
8. High price rise should be arrested through strong legal actions, indirect taxes should not be increased, trading in foodgrains should be taken over by the Government, stringent and deterrent action should be taken against black-marketersand hoarders, and public distribution system should be expanded to cover more commodities.
9. All land reform laws should be effectively implemented, surplus land should be distributed among the landless, forcible evictions should be stopped forthwith, land ownership records should be made foolproof, better irrigation facilities should be developed, and all hindrances in the way of implementation of land reforms in India should be removed.
10. For protecting the interests of workers, the Jute and Textile industries should be nationalised and special relief should be provided to the workers engaged in handloom and powerloom sectors. Sick and closed units should either be rerailed or be taken over by the government. Use of high technology should not involve abolition of jobs for the workers, workers' ownership of industries and participation in industrial management should be strengthened, need-based minimum wages should be fixed; and special steps should be enacted for safeguarding the interests of the industrial as well as peasant workers.

11. Interests of peasant workers should be given full protection by a central law, *and* loans advanced to the rural poor should be written off.

12. For protecting the interests of the tribal people, their lands, cultures and languages should be given protection. Tribal areas should be given an autonomous status within their respective states.

13. Regarding the welfare of the people belonging to the Scheduled Castes and scheduled Tribes, the CPM advocates the need to end all atrocities on them, a proper and fuller utilisation of the provisions for reservation of jobs for these people, and the need to implement properly the Mandal Commission recommendations.

14. Likewise, the CPM holds that crimes against women should be checked effectively ; the rights available to the women under the law and the Constitution should be fully protected ; discrimination against women in respect of their recruitment, wages and promotion should be eliminated ; healthy conditions of work should be secured for women employees and labour, women farm workers and other categories of unorganised labour should be provided full social security ; and the rights of the women regarding ownership of land should be respected.

15. The CPM supports the principle of 'one rank one pension' for the ex-servicemen and a progressive increase, keeping in view the increasing cost of living, in the pensions of all retired employees.

16. The minorities should be given full opportunities for the protection of their cultures and languages. These should be given adequate opportunities for development and helped to preserve their individual indentities. During riots special steps should be taken for the protection of the property of the minorities.

17. CPM supports the grant of right of work to people as a fundamental right, and advocates the need to provide more opportunities for the employment of the youth. Further, the system of registration of the unemployed should be made

efficient and that legal provisions should be made for giving the unemployed an unemployment allowance.

18. Provision of housing for all citizens should be accepted as a fundamental necessity and schemes for providing houses to the urban and rural poor should be launched on a priority basis. Further, primary health services for the people should be strengthened.

19. CPM supports fully the need to provide compulsory and free education to all the children and demands its implementation by law. Steps should be taken to provide for free education upto secondary level. The new education policy which favours the vested interests and the elites should be scrapped. Programmes for the eradication of illiteracy should be given full support by the state and such syllabi must be introduced as can develop among the people a spirit of secularism and scientific temper, and strengthen the unity and integrity of the nation.

20. For securing cultural development, the CPM advocates that the government should provide full support, facilities and encouragement to all cultural programmes. The activities aimed at strengthening of democratic culture should be encouraged. The means of mass media should be given autonomy and made responsible to the Parliament.

21. For making India self-reliant indigenous development of science and technology should be undertaken and the Indian scientists should be encouraged to undertake constructive research work.

22. In the realm of foreign relations, CPM wants that India should try to prevent the forces of American imperialism. It wants that the following principles should b followed in foreign relations :

    i. USA should be prevented from gaining an all powerful status in the changes international scenario.

    ii. India should in no case scum to the U.S. pressures.

    iii. India's policy of non-alignment should be strengthened.

iv. National liberation struggles should be supported.

v. The struggle of the people of Palestine against Israel for securing the independent state of Palestine should be supported fully.

vi. Apartheid should end in all countries.

vii. Relations with our neighbours should be improved.

viii. Sino-Indian relations should be given first priority.

ix. Attempts should be made for a resolution of the Tamil issue on the basis of the provisions of Indo-Sri Lankan accord.

The CPM stands for the securing of following goals in Indian Politics:

1. To strengthen the Third Front (Left Front/National Front), even to support the Congress with a view to keep BJP away from political power in India.
2. To strengthen the secular forces in India.
3. The economic policies initiated in 1991 should be amended for protecting the interests of the poor and the weaker.
4. To eliminate political corruption and mal-administration.
5. Formulating and implementing all policies aimed at employment generation.
6. More autonomy for the states.
7. Continued faith in Marxism-Leninism and the Chinese model of socialistic liberalisation.
8. Special steps to be taken both for protecting secularism against forces of communalism as well as for securing social and economic justice.

The CPM identifies itself as the party of the workers, farmers and persons belonging to weaker and poorer sections of society.

Since the adoption of new economic reforms in India and after the signing of the new GATT and the WTO Treaty, the CPM has been becoming increasingly critical of the governmental policy of inviting the foreign capitalists and mutli-national corporations to invest in India. CPM holds that this policy would strengthen

neo-colonial control of the world capitalism, particularly its agencies like MNCs, over the economy and policies of India. CPM, however, now admits the role of the Indian capitalism in India's development. The CPM government of West Bengal has been inviting top level Indian industrial houses to invest in West Bengal in the core sector and infrastructural industries.

Thus, CPM has been quite categorical in expressing its views on various issues and problems. It has been in a position to enlist meaningful support for its views at least in some parts of the country. It has been a national party and has the distinction of ruling a state of the Indian Union—West Bengal for more than 30 years. In May 2006, it returned to power in West Bengal for the seventh time in succession. It also came to power in Tripura. In Kerala it came to power as a partner in the Left Democratic Alliance. CPM has been supporting the UPA government from outside. It has been using its position, both for influencing the policies of the UPA as well as for becoming more popular with the people.

4.18 Bahujan SamajParty

Bahujan Samaj Party (BSP) had it birth on 14 April, 1984 when two interest groups—Backward and Minority Communities Employees Federation (BAMCEF) and Dalit Shoshit Samaj Sangarsh Samiti got integerated under the leadership of Kanshi Ram and formed a political party. This party describes itself as the sole representative of the Bahujan Samaj which is constituted by the Scheduled Castes, Scheduled Tribes, educationally and socially backward classes, dalits and employees and workers of these classes. It holds that the Bahujan Samaj constitutes 80% of the Indian society and yet it has a very limited representation and role in political, social and economic life of the country.

This party draws inspiration from the ideas and teachings of Sahu Maharaj, Mahatma Phoole, Mahatma Ramaswami Naynar and Dr. Bhim Rao Ambedkar.

While indentifying itself with the dálit and soshit samaj, the BSP strongly criticises Manuism and the followers of Manu, which that means the so called higher castes. It advocates very strongly the need to end social and economic inequalities

and exploitation of the dalit. It holds hat all Indian political parties have paid only lip service to the cause of the uplift of dalits. These have in reality exploited the persons belonging to S/C & S/T classes for their selfish interests. These have used them as their vote banks. Shri. Kanshi Ram and Ms Mayawati hold that the BSP is totally committed to the cause of securing the interests and welfare of the Bahujan Samaj. For this, it is essential that political power should be in its hands because it is the sole and true representative of the Bahujan Samaj. BSP's immediate objective is to become the arbiter and determinator of political power and to use the prevailing environment to its advantages.

Since its inception in 1984, the BSP has been gradually spreading its influence and broadening its support base. It stands recognised as a national party. In 1997, the Election Commission recognised its a national party which has support base in every state with the exception of Assam, Sikkim and Pondicherry. It is particularly strong in UP and Punjab politics. Its election symbol is 'elephant' and it has a blue flag with the symbol of elephant embossed over it.

4.19 BSP: Objectives, Policies and Progamme

(a) **Objectives:**

1. To keep up the struggle for getting eliminated social, economic and political inequalities.
2. To follow the ideas and teachings of Dr. B.R. Ambedkar and to secure these in actual practice.
3. To encourage and motivate Dalits and make them self-confident.
4. To get political power for securing the interests of the Bahujan Samaj as without it, this objective cannot be secured.
5. To oppose Manuvad and Manuvadis and Brahamanvadis.
6. To secure better opportunities of employment for the exploited and depressed classes and to provide them social security against exploitation.
7. To use democratic means for bringing out the desired social change.

(b) **Policies and Programme:**

The BSP has a well settled social and economic programme. Its political program lacks consistency as it believes in any alignment which can further its political gains and social interests. During 1998-99, the BSP leaders Shri. Kanshi Ram and Ms.Mayawati favoured political instability as "it always helps the BSP to become more and more popular and improve its tally." In 1998 elections, the BSP got only 5 seats. But it used its position to become an active political player. It played a key role in defeating the BJP-led Vajpayee government in April 1999. In September 1999 elections to the 13th Lok Sabha, it improved its tally and got 14 seats. In February 2002 delectrons to the UP Vidhan Sabha it emerged as the second largest party but failed to secure a single seat in Punjab.

BSP's policies and programmes can be described as under:

(c) Social Programme:

a. To end Social inequalities.
b. To eliminate untouchability.
c. To fight against all types of discrimination against the members of the Bahujan Samaj.
d. To end the Socio-economic exploitation of the Dalits.
e. To take special steps for protecting the interests and needs of the Dalit , Women.
f. To secure an end of Manuvadi and Brahmanvadi system.
g. To establish and run educational institutions in the name of Dr.B.R.Ambedkar.
h. To provide for special vocational and technical education facilities for the Dalit students.
i. To secure more places for Dalits in the administration
j. To organise several commissions for the improvement of the conditions of scheduled castes and scheduled tribes.

(d) Economic Programme

a. To end economic inequalities.

b. To secure equitable distribution of wealth and resources.

c. To end monopolisation of wealth and economic resources.

d. To end the system of exploitation of the Dalits by Jagirdars and Sahukars.

e. To end all forms of economic exploitation.

f. To take special steps for securing the interests of the landless farmers and small farmers.

g. To end unemployment and to create more opportunities for employment.

h. To end child labour.

i. To strengthen public sector.

j. To use the material and physical resources for the welfare of the entire society.

k. To expand village and cottage industries.

l. To implement development plans for making the country self- reliant.

(e) Other Policies

a. To root out corruption, administrative as well as political.

b. To make bureaucracy accountable.

c. To attempt a resolution of Centre-state disputes through mutual consultations.

d. To stem increasing social violence.

e. To encourage the weaker sections of society to use their right to vote.

f. To strengthen the democratic system.

g. To make local governments and institutions more active and powerful.

h. To uphold faith in non-alignment to work for securing a permanent seat for India in the UN Security Council, to improve relations with the neighbouring countries and to invigorate India's role in international relations for strengthening the forces of peace and peaceful coexistence.

4.20 PERFORMANCE OF THE BSP

After its birth in 1984, the BSP contested all seats for Punjab Vidhan Sabha elections 1985. But it failed to secure even a single seat. However, in 1989 elections, it won 1 Lok Sabha and 12 Punjab Vidhan Sabha seats. In 1993, the BSP joined hands with Mulayam Singh Yadav's Party to form a government in UP. However, it was a short lived affair. In June 1995 the BSP joined hands with the BJP to form a government which worked for four months. Later on, the BJP formed the government with BSP support, however, the arrangement failed to work. In 1996, the BSP formed an alliance with the Shiromani Akali Dal in Punjab. It was in a position to win 3 Lok Sabha seats from Punjab, 6 from UP and 2 from MP and a total of 11 seats in the 10th Lok Sabha. In MP it got 8.18% and in UP 20.8% popular votes. But in 1997 elections to Punjab Vidhan Sabha it got only one seat.

In February-March 1998, the BSP contested the elections to the Lok Sabha in alliance with the Congress in Punjab and HLD in Haryana. However, it could win only five Lok Sabha seats and even its President Shri. Kanshi Ram failed to win his seat. Yet with only five seats, the BSP played a key role in securing the fall of the BJP-led alliance government on 17thApril, 1999.

In September 1999 elections to the 13th Lok Sabha were held. The BSP was successful in improving its tally from 5 to 14 seats. Its major successes were in UP. Its popular vote percentage also increased by about 2 per cent. In February 2002 elections, the BSP failed to win a majority, but it was successful in improving its strength in the UP Vidhan Sabha as well as its share in the popular votes. However in Punjab Vidhan Sabha it failed to get even a single seat. In 2004 Lok Sabha elections, the BSP could secure only 19 out of 435 that has it contested. It got 5.35% popular votes. Later on, it contested elections to the Maharashtra Vidhan Sabha but failded to even open its account. It also failed to make its presence in Bihar. It has been trying to increase its popularity and bargaining power in Punjab. At present the popularity of BSP remains confined mostly to UP and to some extent Punjab. It has, however, suffered splits in both Punjab and UP.

The BSP is a recognised national party in the Indian political system. However, it enjoys only a limited support base and popularity. It stands identified as the party of the Dalits—the Bahujan Samaj.

4.21 REGIONAL POLITICAL PARTIES IN INDIA

The growing presence and salience of regional parties is, undoubtedly, the most outstanding aspect of political developments in India over the past few years. While some of the regional parties, such as DMK (Dravida Munnetra Kazagham), National Conference, Shiromani Akali Dal etc., predated or emerged soon after the coming of independence, others like Telugu Desam, BJD, Asom Gana Parishad, Sikkim Sangram Parishad have been relatively recent arrivals on the political scene. In fact, there are about 450 small regional or cross regional or single state level political parties in India. Further in this new era of coalition politics regional parties have emerged as active actors in the Indian Political System.

1. **What is a Regional Party?** Many scholars answer this question by saying, as Dr. K.R. Bumbleobserves: "With the considerable looseness as an omnibus designation for all manner of political formations. The generally accepted distinction between 'national' and regional parties, legitimised though it is by the Election Commission, is rather unsatisfactory."

The criteria for determining whether a party is national or regional takes into account two factors: (1) the number of States in which it enjoys popular/electoral support, and (2) the percentage of votes polled by it in the State Assembly and the Lok Sabha elections. The first criterion is territorial and the second one relates to the popularity graph of the party. Further, some scholars seek to identify a regional party in terms of its ethnicity or religio-cultural identity. The DMK and AIADMK are regional political parties because these represent 'Tamil Culture'. These two have been alternatively ruling Tamil Nadu. Shiromani Akali Dal too is a regional party. It is a Panthic Party and gets almost the whole of its support from the Sikhs in Punjab and, to a limited extent, also in Haryana & Delhi. It has been having an alliance with BJP for the last 10 years. Telugu Desam, Asom Gana Parishad, Sikkim Sangram Parishad, National Conference, BJD, Jharkhand Mukti Morcha, Bangla Congress,

Oriya Congress, Kerala Congress, PDP in J & K, Trinamool Congress, Meghalya Democratic Alliance, INLD etc., are all regional/local parties.

A regional party or a local party, writes *Stanley. A. Kochnock* is "primarily concerned with exploiting local resources of discontent or preserving a variety of primordial demands based on language, caste or community or region." The fact is that a regional party or a local party is one which enjoys its popularity in one or two states and/or which mainly identifies itself with the interests of a particular area or community or a linguistic or cultural or religious group.

4.22 REASONS FOR THE EMERGENCE OF REGIONAL PARTIES IN INDIA

The emergence of several regional political parties in India has been a natural development because of the presence of socio-economic- religious-cultural pluralism. Several scholars like Panikkar even advocate the view that "no one can conceive of India except in terms of the great regions." Rasheeduddin Khan describes India as 'an aggregation of regions and sub-regions.' As such the development of regional political parties is natural and may well have been anticipated in a vast and variegated country like India.

The following factors have greatly influenced the emergence of regional political parties in India:

1. **Cultural Pluralism:** The presence of several distinct cultural-ethnic-religious-linguistic-caste groups within the Indian society has greatly helped the process of growth of regional political parties like the DMK, the JMM, the MNF, the GNLF and others.
2. **Religious Factor:** The existence of several religions within India has also helped the formation of several regional parties like the Akali Dal, the Muslim League, the Hindu Mahasabha and others.
3. **Regional Imbalances:** The emergence of regional economic imbalances in India has also been a factor in the emergence of regional parties. Several regions of the country have registered a relatively high level of economic

development while many others continue to lag behind. The local leaders, particularly who belong to economically backward or lowly developed regions, very often exploit the 'local feelings' and form regional parties for representing the regional interests as well as for strengthening their bargaining power vis-a-vis the national leaders. The emergence of Asom Gana Parishad in Assam can be explained in terms of this factor.

4. **Anti-centralism of 1950-96 Period:** Indian political system has a federal structure with a unitary spirit. The Union enjoys a predominant role in the Indian federalism. As a reaction against the spirit of centralism or unitarianism, several regional parties have not only come into existence in India but also have been in a position to earn popularities. The DMK Telugu Desam, Akali Dal, Asom Gana Parishad and some others have been using anti-centrism as a means for securing popularity and support. However, since June 1996, there appears to be taking place a change in their perceptions. Now they want more autonomy for states but at the same time do not pursue anti-centrism. The power-sharing at the Centre between a national party with an alliance of regional/local parties, *e.g.,* NDA, as well as the fact of the presence of coalition governments in some states, BJD in Orissa which enjoys the support of the BJP, TDP in AP which supports the NDA. Congress-NCP government in Maharashtra, CPM-led left front government in West Bengal, and some other coalitions have given a new look to federal politics in India. Anti-centralism is getting replaced by centre-state cooperative-bargaining federation. It appears to be a healthy development in Indian politics.

5. **Political Splits:** Splits resulting from the emergence of sizeable dissident local groups in several national political parties, have also been responsible for the birth of some regional political parties. The emergence of Kerala Congress, Bangla Congress, Trinamool Congress, Janata Dal, Janata Dal Secular, Janata Dal United, Lok Shakti party, PMK BJD, Oriya Congress, Forward Bloc, Tamil Manila Congress, AIADMK etc. as regional parties in the Indian Political System can be explained in terms of this factor.

6. **Personality-cult Politics:** Another reason behind the emergence of regional political parties in India has been the presence of personality-cult politics. The ability of a leader to muster committed support from a group of followers because of his personal relations with them, often encourages him to form a regional/local party as a means of showing his personal power. Bansi Lal's Party, Devi Lai's Party, Congress (J), Congress (S), BKU, BKKU; TDP (N), TDP (NTR) and some others came into existence because of this factor.

7. **Caste Factor:** Caste has been a major factor of Indian politics and it has also been responsible for the emergence of several regional/local/ sectoral parties..

8. **Lack of Strong Ideological Differences:** National level political parties in India have been working as different political groups but with almost similar ideological commitments. Presence of leftists and rightist groups within several national parties has been at times responsible for the emergence of several regional parties. Moreover, even some of the national level political parties behave as regional parties because these enjoy real support and popularity in only some states, may be one or two. For example, CPM is a national party but its popularity base, and therefore, its operational base, stands confined to the states of West Bengal, Tripura and Kerala. Even BSP enjoys support only in some states. Several regional parties have emerged as splinter parties of a national party and are working as regional or state or local level parties.

9. **Developing Nature of the Indian Party System:** The Indian Party System has been a developing and dynamic system. It has been regularly undergoing important political and constitutional changes. Its party system too has been changing in accordance with the changes in the socio-economic environment. The transformation of several national political parties from a position of strength to weakness and vice-versa has been taking place. The Congress, which dominated the Indian political scene in the past, has suffered a decline and a splinterisation. It has been the source of the birth of several small political parties in India. Now BJP's relations with Shiv Sena are undergoing

changes. JMM in Jharkhand and RJD in Bihar has emerged as shown local parties.

All these factors have been responsible for the emergence of regional political parties in the Indian Political System.

4.23 ROLE OF REGIONAL POLITICAL PARTIES

Check Your Progress

1. Developing nature of Indian Party System- Elucidate:

2 Give the major policy principles in the Common Minimum Programme (CMP).

3. What is a Regional Party?

4. Give reasons for the emergence of Regional Parties in India. The regional parties have a major role to play in the Indian Political Scenario- Explain

Commenting upon the role of regional parties in the Indian politics, Dr.K.R. Bombwall remarks that these "have catalyzed a realignment of political forces and their impact on the structure and process of politics has been multi-directional and far-reaching."Dr.Bombwall identifies several distinct dimensions of the growing regionalism of politics in India.

In the first place regional parties have posed the most powerful challenge to India's 'one party dominant system' or 'the one party plus' system. (In fact these have terminated the era of Congress- domination of Indian party system).

Secondly, the regional parties have made a strong impact on the nature and course of Centre-state relations. In the past, the emergence of several tension areas in Centre-state relations in India and the intensity gathered by the demand for grant of greater autonomy to the states emerged largely due to the emergence of several active and powerful regional actors like the DMK, the AIADMK, the Telugu Desam and the Shiromani Akali Dal. The 'State leaderships' tried to become more and more vocal in their dealings with the central leadership and the Centre began becoming more responsive to the needs and demands of regional actors. Finally, within the liberal-democratic frame of reference, regional parties made politics more competitive and popular participation in the political process more extensive at the grass roots.

After 1996, several regional parties have been emerging as key players in national politics. 23 regional/local parties, as partners of NDA, shared power at the Centre during 1999-2004. Some of the regional parties are ruling the states—DMK in Tamil Nadu, PDP—Congress combine in J & K, JD(S)—BJP alliance in Karnataka, Congress-DMK in Pondicherry, Samta-BJP in Bihar, LDF in Kerala NCP—Congress

combine in Maharashtra, and BJD-BJP in Orissa. All this reflects the continued, and continuously-growing importance of regional parties in the Indian politics.

When regionalism practiced by regional parties was viewed by several scholars as a negation of nationalism or national unity. Emergence and growing number and popularity of regional political parties have helped the emergence of a new thinking which admits a positive role that regional political parties can play in the process of nation-building, *i.e.,* in the realisation of the often quoted principle of unity in diversity.

The AIADMK, DMK, BJD, National Conference, TDP, SAD, INLD, PDP and Trinamool Congress now strongly uphold the cause of Indian unity and integrity along with the upholding of their respective regional interests. During October 1999 to May 2004 the BJP, and several regional parties shared power at the Centre as constituents of the BJP led—NDA. Now Congress-led UPA is in power and in it several regional and local parties are sharing power. Participation of regional parties in national politics has been a source of healthy influence on Indian politics and federalism. Regional Parties continue to favour the objective of more state autonomy but at the same time now realize better the importance of making India stronger and stronger.

4.24 ANSWERS TO CHECK YOUR PROGRESS:

1. Refer chapter 4.2
2. Refer chapter 4.4
3. Refer chapter 4.2
4. Refer chapter 4.22

UNIT 3
LESSON 5

NATION BUILDING AND NATIONAL INTEGRATION

UNIT STRUCTURE

5.1 What is Nation-Building?

5.2 Components of Nation-Building

5.3 Progress of Nation-Building in India

5.4 Nation-building in India: Failures

5.5 Nation-Building in India: Hindrances

5.6 National Integration

5.7 What is National Integration?

5.8 National Integration: Hindrances and Remedies

5.9 Steps for Securing National Integration

5.10Answers to Check Your Progress

The most major need of Independent India was to initiate immediately and effectively the process of Nation-building. Fortunately, the Indian leaders were in a position to take up the task in the right earnest. However, several negative and hindering factors made the implementation of their policy decisions and programs difficult and problematic. Because of this fact even after more than five decades of independence, the country is still trying hard to accomplish the objective of Nation-building.

5.1 WHAT IS NATION-BUILDING?

Nation-building is the process of uniting the people of the state into a well-functioning united nation, the building of state power and political institutions, the inculcation of emotional unity among the people, and the securing of willing participation of all the people in the process of socio-economic reconstruction, modernization and development. It stands for the transformation of the anti-alien nationalism into a process of getting the free people engaged in the efforts for

developing a new egalitarian society characterized by a high level socio-economic-politico modernization and development.

Nation-building is an omnibus process and it includes: State-building, People-building, Democracy-building Citizen-building, Economy-building Social-building and Government-building. It refers to the process whereby the state becomes a true nation-state, its people become a well-organized, united and cohesive group and the society becomes a democratic and developed society. It also involves the process of making the political system autonomous, legitimate and capable of both meeting the demands and aspirations of the people as well as of overcoming threats, crises and other harmful developments.

The process of Nation-building implies an alignment of a large number of individuals from the middle and lower classes linked to regional centres and leading social groups, by channels of social communications and economic intercourse. It involves the vertical integration of masses and the horizontal integration of the elite.

As such Nation-building refers to the process of welding the people into a nation committed to subordinate all traditional local loyalties, arrangements and power-systems to one overriding loyalty to the nation, the motherland, and to one authority, the state. It is the process of developing a developed nation through collective, united and systematized efforts. Myron Weiner rightly observes that nation-building is a broad spectrum wide-ranging process "which begins after the creation of a nation-state so as to make it viable, cohesive, well organized, autonomous and widely acceptable entity.

5.2COMPONENTS OF NATION-BUILDING

The following can be described an the vital components of Nation-Building :

I. Continuous and willing support of the people to the community, the regime and the authority holders.

II. Committed, dedicated and devoted national leadership.

III. Formulation of national goals capable of securing willing cooperation of the people for their achievement.

IV. High level of respect for national symbols.

V. State-building, involving territorial integration of the State.

VI. Preservation of identity of the nation as the first national priority.

VII. A high level of public literacy and freedom from orthodoxism, fanaticism, parochialism and traditionalism.

VIII. The qualities and commitments of the intellectual elite of the society towards the goals adopted by the nation, the existence of a class of academic elite free from caste, communal and religious barriers always willing and acting as a big instrument of nation-building.

IX. Alert, active, free and objective mass media acting as an effective instrument of political socialisation, modernisation and development.

X. A disciplined and consistent march toward economic growth, economic development and social justice.

XI. Development of a national participant, developed and civic Political Culture is.

XII. Development of effective, efficient and systematic state control mechanisms.

XIII. High level of national integration involving emotional and psychological integration of the people into a strong and united team.

All these components of Nation-building can also be adopted as indicators for judging the progress of the process of Nation-building is a state.

5.3 PROGRESS OF NATION-BUILDING IN INDIA

After her independence, India began the process of Nation- building in a truly majestic way. The Constituent Assembly was in a position to complete the drafting of Constitution of free India by 26th November, 1949. The Constitution-clearly stated the objectives to be achieved by the Sovereign Democratic Republic of India. These were: Justice, Liberty, Equality and Fraternity assuring the unity and integrity of the nation and dignity of the Individual. India was defined as Bharat and a Union of States, with single uniform citizenship, common unified electorate, duly and freely

elected representative government, a federal polity with emphasis upon a strong centre, and a secular state committed to secure for all its inhabitants without any discrimination of caste, colour, creed, religion, place of birth or sex, the gains of a welfare state. Equal Fundamental Rights were granted and guaranteed to all the people and the goals to be achieved were set-forth is the chapter on the Directive Principles of State Policy. Under the leadership of PM Nehru and a galaxy of national leaders, the process of Nation-building was launched in a spectacular and forceful way.

Analysing the nature of Nation-building process initiated in free India, Rajni Kothari prefers to describe it as 'the centre-periphery model' which seeks to secure socio-economic development through political development and modernisation. "The whole process in India is supposed to have started with the establishment of a constitutional and political centre which, through its creative activity in the management of political institutions, has penetrated into society at various levels. Thus, instead of being determined by economic factors, both the elite and political institutions are creative forces which bring about the integration of diversities and pluralities in national life in a spirit of tolerance."

The process of Nation-building is, by nature, a slow process. "Rome was not built in a day." It is an ancient saying and contains an eternal truth. It really applies to the process of nation-building. The birth of a sovereign nation-state is a difficult process. India had to pay a heavy price for achieving it. However, the securing of nation-building after independence has been a doubly taxing, problematic, complex and slow process. It was relatively easier to unite the masses against the 'foreign rulers' and the 'imperialists' than the post-independence attempt to unite them against internal enemies and keeping them continuously engaged in the process of socio-economic reconstruction, modernization and political development. India's record in this direction has been a mixed one. In the world of Rajni Kothari, "the Indian model of nation-building is indeed peculiar and in some ways unprecedented. India's record to date in the field of nation-building is mixed.'

Indeed the process of welding a pluralist society, with widespread social, economic, cultural, linguistic, regional, religious diversities into a united, integrated and disciplined nation has been naturally a slow, complex and problematic process. Along with several spectacular successes—a well functioning parliamentary democracy and successful and determined efforts against national crises like war with China, wars with Pakistan, war against famines, poverty, hunger, disease and under development—there continue to be several failures—the failure to contain communalism, regionalism, terrorism and criminalisation of politics, continued socio-economic under-development and centre-state tensions and strains.

However, India has been successful in harnessing effectively her efforts towards securing of following ingredients of nation-building:

a. A durable and well-functioning Constitution:

The formulation and adaption of the constitution of India and its continuously successful operation, with few exceptions, can be legitimately described as a successful step in the direction of nation-building. Indian leadership acted as a determined and devoted team to give to the nation a good and workable constitution within 25 months of India's independence. *The* Constitution of India has exhibited, during almost 54 years of its operation its to guide the nation both in times *of* peace and war. It has stood the test of time. It has helped the nation to initiate the process of nation-building in an environment of political stability. The government - building has become a systematic exercise. The political system has the capability and potential to overcome political crises.

b. Agreed National Goals:

The nation has been successful in adopting agreed, and accepts national goals. Everyone in India accepts the goals of democracy, secularism, socialism and socio- economic development of the society. The Constitution, in its Part IV, listing Directive Principles of State Policy, has clearly set forth the objectives that the state has accepted and which are to be secured through appropriate *policie*s and legislation. Development of a welfare state

committed to secure for all its people social, economic and political justice is a supreme constitutional directive which binds the Centre as well as the states and all local authorities. The goals specified by the Constitution are fully accepted by the people as the legitimate and value-goals of the Nation. A national consensus has emerged behind these goals.

c. **Ability to secure desired political changes through peaceful and constitutional means:**

Over the years, India has exhibited beyond doubt, her ability to meet political crises, exigencies and testing situations. India has developed the ability to remain free from coups and revolutions. Peaceful change of governments has come to be a recognised and respected way of political life.

d. **Maintenance of National Unity and Integrity:**

India has successfully exhibited its ability to maintain national unity and integrity. The nation stood like a rock during the Chinese aggression of 1962, Indo-Pak wars of 1965 and 1971, Kargil war of 1999 Terrorist attack on Indian Parliament, and at other times of national calamities and disasters. Despite several crises and visible political decay, Indians have been steadfastly meeting the challenges being posed to their unity by the terrorists and secessionists.

e. **Developed Infrastructure:**

India has been successful, to a large extent, in developing a good level of basic infrastructure—roads, power generation and communication system of the country. Satellites, aircrafts, tanks, ships, electronic gadgets, semi-conductors, computers, automobiles, railways, airways, water-ways, road transport and roads, ports and aerodromes/airport capital goods, textiles, steel, nuclear Technology, and in fact in all industrial and technological sectors, India has been successful in building a good industrial base. It has become a steadily developing industrial society.

f. Planned Economic Development:

Through Five Year Plans, (Nine of which stand completed and the Tenth is underway) India has been successful in ushering the people towards all round economic development. Key industries have been developed in the Public Sector and along with it private sector too has been expanded and strengthened. India has been maintaining a consistent economic growth rate of about 5 per cent.

g. Protection of the interests of weaker and less privileged sections of Society:

Through the policy of granting special concessions and privileges to the weaker and down-trodden sections of society, India has been in a position to initiate the process of integration of people belonging to scheduled castes, scheduled tribes, other backward classes and tribal areas in the process of socio-economic reconstruction and development. The National Front Government accepted the Mandal Commission recommendation for increased reservation for the Backward Classes. Despite some limitations problems, and inadequate successes, the process has produced a new awakening among these people. The state is doing its bit to secure their socio- economic uplift. Women uplift too has registered a sizeable progress. Indian women are now coming up to take up various responsible positions in all sectors of social life.

h. The Crisis Management Ability:

It is true that the process of Nation-building in India has been characterised by several hindrances and negative forces. Regionalism, communalism, caste politics, violence and corruption have all been present in the polity. Several issues like the Ram Janambhoomi-Babri Masjid issue, communal flare ups, terrorism is some parts of the country, have been keeping the process strained and limited. However along with it, a redeeming feature has been the ability of the Nation to manage such crises. The developments of 1992 the communal riots and bomb blasts which followed these were brought under control in a short span of time. These did adversely affect out economic growth and development. Yet within a few months, the nation started acting

boldly and steadfastly. In June-July 1999 India successfully forced Pakistan to vacate its intrusion in the Kargil sector. The people always unite to tackle every national art is and the government two into action for meeting the crisis situation. Despite being a crisis prone society, the country has been maintaining slow but steady march towards the attainment of development goods. As such, the process of Nation-building has been continuously in progress since Indian Independence. It has now started producing results in the form of socioeconomic modernisation and development. However several problems are yet to be overcome.

5.4 NATION-BUILDING IN INDIA: FAILURES

Along with the above mentioned successes, there have been several problems and failures in the way of nation-building.All these failures reflect the weakness of the Nation-building process in India. India is yet to accomplish the formidable task of uniting Indians into a fully united, strong, healthy, participating, active and developed nation.

5.5 NATION-BUILDING IN INDIA: HINDRANCES

Nation-building in India continues to be faced with several hindrances which have been responsible for its slow and inadequate progress. Some of the major hindrances in the way of nation-building can be listed as follows:

i. **Population Explosion:** With a population of more than 105 crore and a high population growth rate, India continues to remain weak in its drive towards Nation-building. Indian Economy is finding it difficult to serve well the needs of the ever-growing and rapidly expanding population.

ii. **Mass Poverty:** A large section of India's population continues to live below poverty line. Poverty continues to pose an alarming proportion. Slow and inadequate economic growth and ever-growing population have together made poverty almost a permanent feature of Indian society.

iii. **Regional Imbalances:** Regional imbalances, slow and uneven economic development, continued economic inequalities, increasing gap between the

rich and the poor, unemployment, underemployment and inadequate technological development and regional disparities all have been combining together to keep limited the progress of socio-economic development of India.

iv. **Socio-economic Problems:** Communalism, Regionalism, Secessionism, Centre-state conflicts, Inter-state disputes, linguistic regionalism, corruption, agitations, violent protests, riots, terrorism, lack of a healthy work culture have been present and dangerously growing in the system. There is a growing trend towards regionalism and communalism. All these factors have been damaging the roots of the nation. These have adversely affected the process of nation-building.

v. **Problems of the Political System:** The working of the Indian political system has also been defective due to the presence of illiteracy, ignorance, poverty, factionalism, casteism, linguism and communalism in its environment. The unhealthy and biotic role of some of the political parties and religious organisations, the existence of factionalism and personality cults among the major national political parties, the erosion of the authority of the Parliament, rampant political corruption, poblical defections electoral malpractices, role of money and muscle power in politics and low level of leadership have been keeping limited the capability of the Indian political system to work as a nucleus for Nation-building.

All these major hindrances have been responsible for the failures being faced by the Nation-building process. The need is to fight these limitations as challenges before our nation. A firm resolve to work dedicatedly for securing the objective of socio-economic development and a commitment on the part of political leaders to lead the people positively and act only for securing the goals of national interest, are urgently needed for securing the cherished goal of Nation-building.

5.6 NATIONAL INTEGRATION

National Integration forms a vitally important part of the process of Nation-building. It stands for the integration of the people of the state into an emotionally and psychologically integrated team, a nation committed to secure the objective of socio-economic development of the whole society. Without a high level of national integration the march towards Nation-building is bound to remain slow, uneven, inadequate and inefficient. National Integration alone can provide a healthy environment in which all the people can feel encouraged to secure the goals of nation-building. For a pluralistic society like India it is all the more essential to work for securing a high level of national integration.

5.7 WHAT IS NATIONAL INTEGRATION?

In simple words we can say National Integration means the process as a result of which a community attains a psychological emotional and spiritual unity and solidarity and starts behaving as a strong and united nation committed to secure the national goals of socio-economic-politico-cultural development.

National Integration was defined by the first National Integration Conference as: "a psychological and educational process ....involving the development of a feeling of unity; solidarity and cohesion in the hearts of the people, a sense of common citizenship (destiny) and a deep feeling of loyalty to the nation."

J.A. Cutlet defines National Integration "as a process of becoming a whole, of acquiring consciousness, of having a goal which makes it possible to rally round a pole of convergence." Another scholar conceptualizes National Integration in terms of emotional and psychological integration of the people through the inculcation of a spirit of spiritual, moral, national unity—Nationalism.

According to *Myron Weiner* "National integration covers a vast range of human relationship and attitudes—the integration of diverse and discrete cultural loyalties, and the development of a sense of nationality (unity), the integration of political units into a common territorial framework with a government which can exercise authority, the integration of the rulers (Elites) and the ruled (Masses), the

integration of the citizens into a common political process, and finally, the integration of individuals and organizations for purposive activities."

Myron Weiner further observes that National Integration means:

i. **Territorial Integration and National Identity:** The process of bringing together culturally and socially discrete groups into a single territorial unit, and the establishment of a national identity.

ii. **Political Integration:** The process of establishing a national central authority over subordinate political units or regions.

iii. **Elite-Mass Integration:** The forging of links between the ruling elite and the broad mass of people who are ruled, *i.e.*, reducing the gulf between the elite and the masses in terms of aspirations and life conditions.

iv. **Cultural Integration:** The development of minimum value-consensus necessary to maintain a social order.

v. **Integrative Behaviour:** The securing of integrative behaviour which involves the capacity of the people in a society to organise for some common purpose.

As such we can say that National Integration is the process of uniting and organising the people of the country into a well-knit nation, a team emotionality united and committed to serve the national interests through integrative efforts. It involves territorial integration, emotional integration, political integration, cultural integration, elite-mass integration and integrative behaviour. In fact, National integration means the inculcation of a spirit of unity in diversity and emotional integration among the people.

For a multi-religious, multi-lingual, multi-caste and multi-regional society like India, national integration in its proper perspective, is a cardinal necessity. A harmonious and willing integration of the majority and the minority communities, a rational and objective view of national problems, a consensus in respect of the shared objectives of our polity, a commitment to rise above narrow minded bigotism, communalism and regionalism while dealing with national issues, problems and

crises; and the development of the ability to act as a united and dedicated nation, together constitute the central theme of National Integration in India.

National Integration does not mean absorption and assimilation; instead it means unity in diversity. Diversity or pluralism is to be preserved and developed as an asset. Diversities are not to be permitted to hinder the process of Nation-building.

Defining the model of National integration that stands accepted in India, *Prof.Rasheeduddin Khan* has rightly observed "it means and ought to mean cohesion not fusion, unity but not uniformity, reconciliation but not merger, agglomeration but not assimilation of the discrete segments of the people constituting a political community or state." Emotional integration of the people forms a key component of National Integration in India. It is taken to mean the development of a strong brotherhood and fraternity among all its people and the welding of diverse elements of society into a compact harmonious and homogeneous mass with common ideals and objectives, which may guide all the people and encourage them to willingly make unflinching sacrifices of the highest order for just and proper national goals and at the same time discourage them from thinking in terms of separatism, regionalism, secessionism and anti-nationalism.

Speaking in 1955, Former Prime Minister Jawaharlal Nehru categorically stated: "We should not become parochial, narrow-minded, provincial, communal and caste-minded, because we have a great mission to perform. Let us, as the citizens of the Republic of India, stand up straight, with straight backs and look up at the skies, keeping our feet firmly planted on the ground, bring about this synthesis, this integration of the Indian people. Political integration (constitution and elected government) has already taken place to some extent, but what I am after is something much deeper than that—an emotional integration of the Indian people so that we might be welded into one, and made into one strong national unit, maintaining at the same time all our wonderful diversity." Shri. Nehru and all other leaders of free India regarded national integration as the integration of minds and hearts, and the suppression of feeling of separatism, as the key priority. For this purpose, on the one hand several steps (Five Year Plans, multi-purpose projects, free and fair elections,

steps for industrialization and technological development of the country) were taken and on the other hand direct thrust towards national integration was made through the means of mass media and through organized institutions like National Integration Council.

In August-September 1961 that two laws were made for guiding the worth towards the objective of national integration. By the first, preaching of communalism was made a penal offence. It made the promotion of enmity or hatred between different religions, racial or linguistic groups or castes or communities an offence which could be punished with imprisonment upto three years. The second made the appeal to religious, racial, communal, castes or linguistic sentiments and electioneering purpose a disqualification. Persons guilty of these offences were to be debarred from right to vote as well as from the membership of the Parliament/State Legislatures.

With a view to develop National Integration in India, the Union Government organized a National Integration Conference in September-October 1961. It was attended by the Prime Minister, Union Ministers, Chief Ministers of States, leaders of various political parties, educationists, scientists and journalists.

The conference resolved to unite the people against the forces of communalism, regionalism and linguism. For this purpose it was considered essential to prevent the political parties of India from encouraging or using these evils for their political gains.

Consequently, the conference favored a code of conduct for political parties. The important principles recommended for this purpose were:

a. No party should indulge in any activity which aggravates the differences or causes tension between various castes, communities or linguistic groups.
b. The political parties should not resort to agitational methods for the redress of the communal, linguistic and regional grievances of any section of society.
c. Each political party must refrain from disturbing or obstructing the meetings and processions of other political parties.

d. The government was not to impose restrictions on the civil liberties of the people on the plea of maintenance of law and order. It was to desist from using any such measure as could interfere with the normal activities of the political parties.

e. The political power was not to be used for serving party ends.

The conference accepted that secularism was the ideal condition and a historical necessity of India and hence should be strengthened and made a way of life. It further stressed the need to reform and uses the educational system as a means for promoting National Integration. Further, this conference decided to set up a National Integration Council for coordinating efforts towards national integration and for drawing a code of conduct for the general public, the students and the press. It was also given the task of examining the grievances of the minorities and suggesting steps for the redressal of the same.

The National Integration Council, which consisted of the PM, the Home Minister, State Chief Ministers, seven leaders of political parties, the Chairman of UGC, two prominent educationists, the commissioner of scheduled castes and scheduled tribes and seven other persons nominated by the PM, in its first meeting gave a direction to the process of National Integration by defining the type of National Integration that was to be secured in India. It held that "the foundations of our national life are common citizenship, unity in diversity, freedom of religion, secularism, equality, justice—social, economic and political—fraternity among all communities."

The National Integration Council (NIC) however, failed to remain active for a long time. The .Chinese Aggression against India in 1962, made all the people rise as one nation and secured the objective of national integration, perhaps this lulled the NIC into inaction.

The leaders of modern India have been taking some steps for promoting national integration. In November 1976, the working group of National Integration

Council suggested the following seven-point programme for securing national integration:

a. Ending the hold of obscurantist and extremist elements.
b. Fostering the growth of positive elements of modernity.
c. Ending suspicions and prejudices about the minorities.
d. Countering the evil of clannishness.
e. Free mixing of children belonging to various professions and faiths.
f. Use of mass media for highlighting the role of various organisations towards the cause of integration.
g. Curbing extremist tendencies.

The group regarded regional economic imbalances as a negative factor and called upon the State Governments and the Planning Commission to formulate plans for removing or bridging these. It also emphasized the need (i) to use the educational system for promoting national integration, *(ii)* to protect better the interests of the minorities for getting them involved fully in the process of national integration, *(iii)* to place systematic curbs on parochial tendencies, and *(iv)* to use mass media for highlighting the need for national unity.

In November 1980, the National Integration Council held its meeting to discuss three important items: the problems of national integration, the problems of North-eastern states, and the need for reforms in the educational system. The NIC held that communalism posed the biggest danger to national integration and noted that a handful of people/groups were behind the spread of this evil. It was also agreed that social and economic imbalances were adding fuel to the fire of communalism. Regional imbalances constituted the major cause of trouble in North-eastern states. Regarding educational system, the NIC noted that there was a need to make it a balanced system capable of fighting communalism at various stages.

Prime Minister Mrs.Gandhi, as the chairperson of NIC, announced the appointment of two committees—one was to study the causes of increase in the frequency of communal riots and the second was to suggest plans for reorienting the educational system with a view to make it an instrument for the promotion of

secularism and national integration. The NIC on its part decided to set up a standing committee for keeping a continuous watch over the activities of the forces of communalism and division. It was also to monitor the progress of the implementation of the decisions of the NIC.

The NIC formulated an Eight-point Plan of action for meeting the menace of communalism. It called upon the governments of Uttar Pradesh, Bihar, Andhra Pradesh and Maharashtra to examine in depth the problem of communalism in their states with a view to formulate time bound plans for combating communalism. It suggested that due jobs should be given to the minorities in the state police forces and that a cell of the Home Ministry should continuously monitor the communal situation in the state special control rooms should be established in sensitive areas. Immediate and effective measures should be operationalised in the event of an outbreak of communal riots. Riot-victims should be speedily rehabilitated.

In 1985, the NIC was reconstituted and called upon to serve the national need for promoting communal harmony, regional and linguistic amity and secularism. The NIC recommended that adequate representation should be given to the minorities in services but not essentially in the form of reservations. It advocated that restrictions should be placed on the organisation of such religious processions as have the potential of creating communal tensions and troubles. It set up a 21-member committee to function continuously for formulating both short-term and long-term plans aimed at the promotion of national integration. The NIC held only one meeting during 1985-89 and its committee met only twice. NIC existed and operated more on paper than in reality.

The National Front Government was reconstituted on February 3, 1990 with an enlarged membership, from 77 it was raised to 100. As earlier, the PM continued to head the NIC. Its membership included six Union Ministers, eight leaders of national political parties and 17 leaders of the regional political parties recognised by the Election Commission and having at least one representative in either house of Parliament, 40 eminent public figures, two business representatives, five labour representatives, three chairmen of different commissions, thirteen representatives of

the media and five representatives of women. Further, all Chief Ministers of States and Union Territories which had legislatures were made its members. It was clarified that the NIC was to function as a forum for effective initiative and interaction on issues of national concern, review issues relating to national integration and make recommendations thereon.

The reconstituted NIC, however, failed to become active. Meanwhile, the country witnessed a big anti-reservations stir in almost all the regions. The acceptance of Mandal Commission recommendations by the government sparked off widespread anti-reservation agitations which threatened to turn violent. These put additional pressure on efforts towards national integration.

A review of the attempts so far made at the promotion of national integration through such organised institutions like the National Integration Council reveals that these have been woefully inadequate. The NIC has been in existence since 1961 and the country has been facing the threat, bigger and bigger, posed by the forces of disintegration—"terrorism, violence, communalism, parochialism and regionalism. More and more Indian cities have been coming under the sway of communalism. Godhra and other cities and towns of Gujarat have been the latest victims of communalism.

5.8 NATIONAL INTEGRATION:HINDRANCES AND REMEDIES

The reasons behind the inability to achieve a high level of nation at integration even after 55 years of independence, have been many. Several constraints have been present in the environment of Indian political System which has hindered the success of the process of National integration.

(A) Hindrances

a. **Communalism:** Communalism has been the biggest hindrance in the way of national integration. The attempt on the part of various communities to impose their respective interests, views and values upon other communities constitutes communalism. Communal riots continue to break out in different parts of the country. In February

2002 Gujarat experienced a big and very harmful communal flare up. Majority Communalism, Minority Communalism, Hindu Communalism, Muslim Communalism, Sikh Communalism, Christian Communalism, Linguistic Communalism and Regional communalism continue to be the hard and sad realities of Indian society. These evils continue to impose serious strains on the process of national integration.

b. **Regionalism:** Regionalism as the attempt to secure regional and local interests over and above the national interests, continues to be a feature of Indian political system. It exists in the form of secessionism, movements in favour of more and more state autonomy, demands for statehood and demands for full statehoods or special privileges (on the pattern of Art. 370). Regionalism always provides strength to the forces of disintegration and hence is a big limitation on the process of national integration.

c. **Linguism:** Politics of linguism has been a major irritant in the way of national integration. The absence of a national language has been a big weakness. The strong controversy, nay a conflict between pro-Hindi North and anti-Hindi South has always adversely affected the process of national integration. Linguistic regionalism and linguistic riots have been recurrent features of Indian political system. The Three Language Formula, the Official Languages Acts and the constitutional provisions regarding language have not been successful in resolving the language controversy. The linguistic reorganisation of states has proved to be counter- productive. It has strengthened linguistic regionalism in India.

d. **Existence and operation of Terrorist and Militant Organisations:** Existence of militant organisations and their activities based on communalism and in support of secessionism/autonomy/special status have always adversely affected the process of national integration. Continued activities of Maoist-War Groups (PWG) in Andhra, increasing role of violence in almost all the north-eastern states,

continued operation of militant out-fits in Mizoram, Manipur and Nagaland and the presence of terrorism in J & K, have all been putting grave strains on the efforts towards national integration.

e. **Existence of Communal Organisations:** Another major constraint upon the process of National integration in India happens to be the existence and popularity of several communal and sectarian organisations in various parts of the country. These have been depending upon bigotism, regionalism, parochialism, linguism, communalism, casteism, religious fundamentalism and tribalism for getting support from the local people. Almost all the political parties have been using these undesirable means for securing political gains. The political environment of India fails to provide the necessary impetus and help to the process of national integration.

f. **Sectarianism:** Sectarianism also poses a big threat to' national integration. Clashes among the religious sects and their organisations often engulf the entire nation. Shia-Sunni conflict often leads to riots in some parts of India. The Punjab problem had its origin in the form of dispute between Akalis and Nirankaris over the issue of religion. Sectarian conflicts in India have always hindered the process of National Integration.

g. **Casteism:** Casteism is proving to be a cancerous trouble for India. It has been keeping the people divided in the name of castle. It has been limiting the process of adoption of secularism as the way of life. It has emerged as the strongest political party in India which always works for maintaining caste identities over and above the national identity.

h. **Politics of Reservations vs. Anti-Reservations:** The policy of reservation of seats and jobs and grant of special privileges to the Scheduled castes, Scheduled tribes, other Backward classes and weaker sections of society was adopted on the principle of protective discrimination, and was designed to help the socio-economic uplift of these downtrodden classes with a view to secure their integration in

the nation as equal and well-functioning partners. The policy has, however, failed to generate the desired result and effect. It has failed to give due benefits to all the people belonging to these groups. It has, even encouraged the perpetuation of class distinctions for getting periodic extension of privileges and reservations. It has led to the emergence of strong anti-reservation thinking among the caste Hindus and uncovered classes. The conflict between the pro-reservationists and anti-reservationists has been always adversely affecting the cause of national integration.

These can be listed as eight major impediments in the way of national integration in India.

5.9 STEPS FOR SECURING NATIONAL INTEGRATION

Everyone realises the importance of securing a high level of national integration. Without it the goal of Nation-building cannot be achieved. It alone can give a solid foundation to India's struggle to become a developed and powerful nation. It can be achieved through several constructive and honest attempts.

The following steps can be suggested for securing a high level of national integration:

i. Recognition and acceptance of the existence of a wide range of groups in the context of the setting in which these have developed.
ii. The recognition of inter-group relations, as a matter of concern for all.
iii. Development of a uniform model code of conduct capable of motivating and directing social relations.
iv. Promotion of faith in the integrity and the moral worth of the individual and a genuine faith in social change as a means of progress.
v. Formation of voluntary organisations across the country like, National Conference for Emotional Integration, Neighbourhood groups, and Cooperatives to encourage change of behaviour and to develop a favourable climate for social reforms and change.

Check Your Progress:

1. What do you understand by the term 'Nation Building'?

2. What are the components of Nation Building?

3. What are the road blocks for India's slow and inadequate progress in Nation Building?

4. Explain National Integration:

5. What are the reasons for India's inability to achieve high level of Integration?

i. A willingness to assign to schools, as part of their educational task, roles in the study and solution of social problems.

ii. Preparing teachers and community leaders to be intellectually and emotionally sensitive to the diagnosis and solution of social problems in schools and community.

iii. The task of developing a Uniform Civil Code as envisaged in Art, 44 of the Directive Principles of State Policy should be handled with care and caution.

iv. Steps should be taken to assist and promote non-government social service organizations for encouraging them to work for securing social awareness, social reforms and desired social change.

v. To target the youth of the country for instilling in them 'Indian brotherhood and sense of collective living. For this.

a. Free movement and exchange of teachers and students from one university to another on all India basis, particularly for lectures and seminars, should be organized for providing specialised training and community experience.

b. Organization of summer courses (vacation courses) in different regions and in different universities should be undertaken and admission in these should be open to all university students.

vi. The recommendation made by the **National Integration Committee** are worth consideration—education is of utmost importance for creating a national outlook. The most impressionable age is at the pre-primary stage but we cannot afford to neglect any age group. Education should, therefore, be reoriented and made more broad-based. It should aim at (a) equipping students with an intimate knowledge of the different aspects of this country, including the events which led to freedom, (*b*) encouraging all such studies and activities as can lead to greater understanding between communities and states, thus fostering a feeling of national unity ; and (c) creating a feeling that the country and its resources belong to the citizen who thereby acquires

certain rights and privileges along with corresponding duties and responsibilities. For this purpose the following step can be under taken.

vii. To encourage the education:

a. Reading material provided to boys and girls in schools and colleges should be properly examined. Textbook Committees should receive definite guidance in this particular matter. Model books should be got prepared by the UGC/NCERT.

b. Communalization of history book should not be permitted and tolerated. Books on the views and deeds of all national heroes should be prepared and placed in all the libraries.'

c. Cultural academies should be established and made to work for strengthening the movement for unity.

d. Celebration of all festivals by members of all communities should be encouraged.

e. Means of media should be used for inculcating a national outlook.

f. Seminars and dramas on the theme of communal harmony should be organized. A mass contact movement for educating people in the values of communal harmony and against the danger of communalism should be initiated. Every political party should enlist in this campaign the support of social activists.

g. The question of placing a ban on communal parties has been raised from time to time in the country. While it may be open to question whether a ban can be an adequate remedy against communalism or not, no one can ignore the danger being posed by the communal parties. Any communal emphasis on the part of a community in its propaganda, political and other activities, creates an immediate unhealthy and aggressive communal reaction in the minds of the people of other communities, and gives rise to various tensions. We have, therefore, to think in terms of breaking the vicious circle.

By encouraging meaningful and nationally desired changes in the process of socialization, attempts should be made to inculcate a sense of national pride and commitment among the children. The values of religious toleration, freedom from superstition, scientific outlook, rational attitude towards authority, secularism, democracy and cultural pluralism should be implanted in the minds and actions of young children by the parents, teachers and community leaders. Use of religion and caste in politics should be eliminated and for this the political leaders must behave as truly national leaders.

5.10 ANSWERS TO CHECK YOUR PROGRESS:

1. Refer chapter 5.1
2. Refer chapter 5.2
3. Refer chapter 5.3
4. Refer chapter 5.6 and 5.7
5. Refer chapter 5.7

UNIT 3
LESSON 6
ELECTION PROCESS

UNIT STRUCTURE

6.1 Politics of changing the structure of the election commission

6.2 Powers and functions of the election commission

6.3 Supreme Court ruling regarding the powers of the Chief Election Commission

6.4 Independence of the Election Commission

6.5 Electoral process in India

- 6.5.1 Delimitation of Constituencies
- 6.5.2 Preparation of Electoral Rolls
- 6.5.3 Notification of Elections and Appointment of Returning Officers and other Staff
- 6.5.4 Filing of Nomination Papers
- 6.5.5 Scrutiny of Nomination Papers
- 6.5.6 Withdrawal of Nominations
- 6.5.7 Election Campaign
- 6.5.8 Polling of Votes
- 6.5.9 Counting of Votes and Declaration of Results
- 6.5.10 Election Petition for Settlement of Electoral Disputes

6.6 Code of Conduct in Elections

6.7 What is a Corrupt Practice during Elections?

6.8 What is an Electoral Offence?

6.9 What is a Breach of Official Duty?

6.10 Answers to Check Your Progress

6.1 POLITICS OF CHANGING THE STRUCTURE OF THE ELECTION COMMISSION

In 1989, Mr.Rajiv Gandhi's government appointed two more Election Commissioners, however, the decision was annulled by Mr.V.P.Singh's government in November 1989.

In October 1993, a Presidential Ordinance was made and it sought to amend the Chief Election Commissioner and other Election Commissioners (conditions of service) Act 1991 and provided for a multi-member Election Commission and laid down the relationship between the Chief Election Commissioner and other Election Commissioners. On 1st October, 1993, in a major development, two more Election Commissioners were appointed—Mr. GVG Krishnamurthy, former Member-Secretary of Law Commission and Dr.M.S.Gill, Agricultural Secretary and this made the Election Commission a 3-member body. The ordinance further provided that, if the Chief Election Commissioner and his other Election Commissioners may differ in opinion on any matter, such matter shall be decided according to the opinion of the majority. Further, in respect of the business of the Election Commission, the Ordinance favoured unanimity in the decision-making by the multi-member Election Commission. It was officially explained that the status of the CEC and the two new Election commissioners was to be at par with the judges of the Supreme Court in terms of pay and service conditions for the present. They will have a six-year tenure upto the age of 65 years. In case the CEC or an EC attains 65 years of age before the expiry of the six-year term, he will have to vacate the office.

The Government justified the change in the structure from a single-member EC to a multi-member EC on grounds of increased workload of the Commission.

By the Ordinance and the Presidential notifications, a mandate was given to the Election Commission to work as multi-member body and transact the business as far as possible unanimously.

The CEC, Mr.T.N.Seshan, however, held the view that governmental decision was an attempt to limit his functioning. Mr.Sheshan, therefore, thought it fit-to file a

writ petition in the Supreme Court, on 27 October, 1993 for asserting his supremacy as CEC and securing the independence of the CEC by challenging the Presidential Ordinance 32 of 1993. He filed this petition in his personal capacity and urged the Court to declare the ordinance arbitrary, unconstitutional and void. He also prayed for a stay of the operation of Ordinance as he contended that the Presidential power was misused by issuing the Ordinance and the notifications for collateral purposes, infringing on Commission's independence. He particularly challenged the order for giving equal status to the new Election Commissioners.

The Supreme, Court in its judgement accepted the view that CEC was to have the overall control over the Election Commission work. The Court directed .that the CEC alone would be entitled to issue directions to the Commission's staff as well as outside agencies. The apex court also passed an interim order upholding the supremacy of the CEC over the two newly appointed Election Commissioners. The two Election Commissioners, however, preferred to proceed on leave. Later on, the Supreme Court in its judgement (July 1995) ruled that the Election Commissioners enjoyed the coequal status with the CEC. Thereafter two Election Commissioners started looking after their work in the right earnest.

The Election Commission of India now continues to be a 3-member Commission—one Chief Election Commissioner and two other Election Commissioners.

6.2 POWERS AND FUNCTIONS OF THE ELECTION COMMISSION

The Constitution of India, in its Articles 324-328, enumerates the powers and functions of the Election Commission. These can be described as under:

a. Preparation of the electoral rolls for the elections to the Parliament and all State Legislatures, including the local bodies. It also revises them in accordance with the provisions of the Constitution and laws enacted by the Parliament or State Legislatures.
b. Superintendence, direction and control of all matters pertaining to the election of the President, Vice-President, Parliament and State-Legislatures.

c. Rendering advice to the President and Governors on the question of disqualification incurred by the members of the Union or State Legislatures.
d. Appointment of Election officers for inquiring into the disputes arising out of or connected with the election arrangements.
e. Settlement of disputes regarding allotment of election symbols to the parties at the time of the elections.
f. Preparation of order for central broadcasts and telecasts and allocation of days and time to different political parties.
g. Exemption of persons from disqualification imposed by a judicial decision.
h. Notification of dates and schedules of elections and scrutiny of the nomination papers.
i. Procuring the necessary staff for the conduct of the election from the President and government of the State.
j. To determine the code of conduct to be observed by the parties and the candidates at the time of elections.
k. To ensure that the voters' lists are kept up-to-date at all times and to see that there are no errors therein.
l. To accord recognition to political parties as all India or state parties. Under the rules if a party secures 4 per cent of votes polled in any four states in a general election it is recognised as an all India party. Similarly if a party secures four per cent votes in a state or a region it is recognised as a state level or regional party.
m. It decides disputes regarding election symbol in the event of splits.
n. The Election Commission can disqualify a candidate if he fails to submit election returns within a prescribed period.

6.3 SUPREME COURTRULING REGARDING THE POWERS OF THE CHIEF ELECTION COMMISSION

On April 4, 1994, the Supreme Court restrained the Election Commission (EC) from taking *so moto* action against the State Governments in cases where it perceived that there was a violation of the model code of conduct. The Court said that

in every such case the Election Commission will have to approach the apex court for directions.

The order was passed by a division bench comprising Justice J.S.Verma and Justice S.P.Bharucha, after the EC's counsel admitted before the court that the model code of conduct did not have any legal sanction.

A writ petition had been filed by the Andhra government, challenging the CEC's power to enforce the model code of conduct even before the notification calling for elections was issued. The judges clarified that they were not saying that the model code of conduct had no force. They also said that in the present case also they were not saying that the EC was not right. The judges, however, added that it was the responsibility of the State governments to decide whether the implementation of a particular programme was against the model code of conduct or not. If the government thought it fit to do so but later the court found the action illegal, it would have to face the consequences.

The Court made it clear that there was no provision in the Constitution to give absolute power to one person. Since the requirements of the model code of conduct, framed by the EC were bound by the strict requirements of statutory power, its legal efficacy has to be decided by the Court.

On April 26, 1994, the Supreme Court ruled that the EC could take independent decisions against States violating the model code of conduct once the Commission issued notification for the election. *Prima facie* the Court thus ruled that the effective date of implementation of the code starts from the date of issuance of notification and not from which ever date the Commission declares the future election programme. In July 1995, the Supreme Court, by its judgement, ensured the multi-member status of the Election Commission with CEC as its head.

6.4 INDEPENDENCE OF THE ELECTION COMMISSION

The Constitution of India has incorporated several steps for ensuring the independence of the Election Commission from the possible influence of the Parliament, the President, the Union Council of Ministers and the bureaucracy. It has been laid down that the Chief Election Commissioner can be removed from office only by a system of impeachment. For this purpose, the Parliament has to pass a

resolution supported by a majority of total membership and 2/3rd majority of number present and voting in each House individually and then this resolution is to be presented to the President who alone can order the removal. Other Election commissioners cannot be removed from office except on the advice of the CEC. Further, the conditions of service of the Chief Election Commissioner cannot be changed to his disadvantage after his appointment. The function of an Election Commissioner, as the former Chief Election Commissioner Mr. T.N. Sheshan observed at the time of June 1991 general elections, is like that of Judge of the supreme Court in the exercise of the power of superintendence, direction and control of all matters pertaining to the elections. The Election Commission, which is headed by the Chief Election Commissioner is thus an independent organization created under the Constitution.

However, between 1990-97 the conduct of the Chief Election Commissioner became an object of controversy over the issue of countermanding the elections in several constituencies and over the issue of postponement or changing of the dates of elections. The decision of T.N.Sheshan, the then Chief Election Commissioner, at the time of May-June 1991 elections, to countermand elections in several constituencies, particularly in Bihar, gave rise to a big controversy regarding the powers of the Chief Election Commissioner. Further, his decision to postpone the polls after the assassination of Mr. Rajiv Gandhi on 21st May 1991, by about 3 weeks and his decision to postpone the polling of votes in Punjab only a few hours before the start of polling, made his conduct controversial. While Mr.Sheshan defended his actions on the ground ensuring a free and fair poll, his critics charged that he was guilty of a wrongful exercise of his powers. After the constitution of 10th Lok Sabha in June 1991, some members even talked of an initiation of impeachment proceedings against Mr.Sheshan.

However, they decided not to pursue the matter. During the period 1991-1996 (During the tenure of Sh. T.N. Season as the CEC) several by-elections to the Lok Sabha, State Vidhan Sabha seats and full fledged elections to several State Legislative Assemblies were held. The EC remained busy in making arrangements for these elections. Due to its efforts the Indian elections became more orderly, less expensive

and less violent also. The Election code came to be a respected code. However, along with it, postponement of polling and strictness bordering upon rigidness came to be a regular feature. The CEC tried to work the EC as a single member Commission. Mr.T.N.Sheshan, tried the CEC projected himself as a fair and firm administrator. The people in general appreciated his efforts. Nevertheless, the office of the CEC came to 'be developed into a centre of debate, in fact a controversy. At times, several parties wanted to launch impeachment proceedings against Mr.Sheshan. During this period, Mr.Sheshan had to face the Supreme Court on several occasions. In 1996, Dr.Manohar Singh Gill took over as the Chief Election Commissioner of India and under his stewardship the EC acted as a multi-member body and rose above controversies. Now Election Commission of India has been smoothly and efficiently working, as a 3-member commission. It has been quite successful in making Indian elections free, fair, less violent, impartial and less noisy. It continues to play its role as an independent commission.

The Constitution vests certain powers in the Chief Election Commissioner which he can exercise in his good discretion. It becomes his responsibility to keep himself above the controversies and to preserve the dignity of his high office.

6.5 ELECTORAL PROCESS IN INDIA

Elections in India are conducted in a well-structured process. The efficiency of the electoral process in India can be accessed from the fact that it has been used thirteen times for holding elections to the Lok Sabha and several times for conducting elections to the State Legislative Assemblies. The Election Commission has the sole responsibility for the conduct of elections in India. It superintends, directs and controls all aspects of the electoral process. It is an autonomous institution vested with the responsibility of conducting all elections in India.

The electoral process in India is operationalised in several stages, which can be explained as under:

6.5.1 Delimitation of Constituencies:

The first step in conducting the elections can be described as the delimitation of constituencies which is done by a Delimitation Commission appointed after every census by the President. Single member territorial constituencies are demarcated by this commission. The proportion of the population in all constituencies is approximately equal. Generally a constituency which elects a member of the Lok Sabha is twice or thrice the size of a constituency constituted member of a State Vidhan Sabha. The decisions of the Delimitation Commission are final and cannot be challenged in any court.

6.5.2 Preparation of Electoral Rolls:

Animportant step in the conduct of elections is to get prepared constituency wise the electoral rolls which record the names of the eligible voters. These electoral rolls are revised after each census as well as after regular intervals. The eligible voters can themselves get their names enrolled in the electoral rolls. After deciding disputes, and after incorporating the names of new voters as well deleting the names of those voters who had left the constituency or had died, the revised electoral rolls are published. In an election, only those voters can vote whose names appear in the electoral rolls.

6.5.3 Notification of Elections and Appointment of Returning Officers and other Staff:

When general elections are to be held, the President sends a communication to the Election Commission and the latter, after consulting the Central and State Governments, announces the poll calendar, *i.e.,* the dates for filing the nomination papers, scrutiny of nomination papers and withdrawal of names by the candidates. The Election Commission then appoints Returning Officers for various constituencies. The Regional Election Commissioners help the Election Commission in the smooth conduct of elections.

6.5.4 Filing of Nomination Papers:

The candidates seeking to contest an election have' to file their nomination papers with the Returning Officer of their respective constituencies, and in the forms prescribed by the Election Commission. The name of each candidate

has to be proposed by a voter and seconded by another voter. The candidate has also to give his consent. The candidates are usually sponsored by various political parties. However, independents owing allegiance to no political party can also contest elections. A party candidate contests the election on his party's election symbol. This provision applies only to the parties recognised by the Election Commission. The non-party candidates have to opt for their election symbols out of the list of available symbols released by the Election Commission. They have to give their two or three preferences. The final decision in respect of allotment of an election symbol rests with the Election Commission.Further, while filing his nomination papers, a candidate has to deposit a fixed amount as security money. In case he fails to secure at least $1/6^{th}$ of the votes polled, he loses his security money.

6.5.5 Scrutiny of Nomination Papers:

After the last date for the filing of the nominations, all the nomination papers are scrutinised by the Returning Officer in the presence of the candidates. The scrutiny is conducted for determining as to whether the nomination papers have been filled properly, the candidates possess the necessary qualifications, and that they have complied with all rules and regulations or not. A candidate has the right to raise objections against the nomination papers of other candidates. Thereafter, the Returning Officer decides all cases and notifies the names of those candidates whose nomination papers are found in order. The candidates whose nomination papers are rejected can petition to the High Court. The latter can over- rule or accept the decision of the Returning officer.

6.5.6 Withdrawal of Nominations:

After scrutiny, the candidates are allowed to voluntarily withdraw their nominations by a fixed date, as fixed by the Election Commission. For this purpose a candidate has to apply in writing to the Returning Officer. The security money of the candidates who voluntarily withdraw from the contest within the stipulated period is returned to them. After the withdrawal date is over, the stage is set for the launching of election campaigns by the

contestants. In case after scrutiny or withdrawal only a single contestant is left in the field, he is declared elected unopposed.

6.5.7 Election Campaign:

The next stage in the electoral process involves the general public and the political parties in a big way. After the completion of the process of fielding the candidates, the contest-lines are drawn and the parties get engaged in their election campaigns. Each party issues an Election Manifesto which states its policies, programmes and promises. The aim is to influence public opinion in its favour. The independent candidates organise their campaigns on personal basis. By the use of wall posters, cartoons, public meetings, placards, advertisements, press messages, personal appeals, hand bills, door to door canvassing and several other such means, the contestants and their parties try to impress the voters. Each recognised party gets a fixed time on the Radio and TV for making their poll broadcasts and telecasts. Each candidate and his party spend a large sum of money for organising an effective election campaign in his constituency. The election campaign continues upto 48 hours before the time of the actual polling.

6.5.8 Polling of Votes:

The Election Commission fixes the polling days and polling hours. Several polling stations are established in each constituency. Each polling station is under the control of a presiding officer who is assisted by several polling officers. The candidates contesting the elections also nominate their polling agents who are present in the polling stations, in fact in the room where votes are being polled. They can challenge the identity of a voter or any irregularity on the part of the polling staff. Every voter has the information about the polling station at which he can cast his vote on the Election Day. In the polling station the voter, after establishing his identity, is given a ballot paper which bears the names of all the contestants as well as their respective election symbols against their names. At the time of handing over the Ballot Paper to the voter, a polling officer puts an indelible ink mark on his first finger, just below nail. Thereafter in the polling booth the voter records his

vote by putting the stamp in front of the name of the candidate whom he wants to be his representative, and deposits his vote in the Ballot Box. After the polling ends, the sealed ballot boxes or voting machines are dispatched to the office of the Returning Officer for counting.

6.5.9 Counting of Votes and Declaration of Results:

On a fixed day and time the Returning Officer and his staff members then open the ballot box/voting machine in the presence of the agents of the candidates and the records his vote on the Electronic Voting Machine (EVM) counting of votes begins. Invalid votes are not counted. A candidate who gets more valid votes than every other candidate is declared elected. In other words, the election victory is determined on the basis of relative majority vote victory system. The Returning Officer makes the announcement in this direction and sends the results to the Election Commission.

6.5.10 Election Petition for Settlement of Electoral Disputes:

After the declaration of the results, the election of a winning candidate can be challenged either by the defeated candidates or by a voter or a group of voters. For this purpose an election petition can be filed before the High Court within a fixed period. The petition can be preferred on grounds of electoral mal-practices or irregularities in the conduct of elections. The High Court hears the petitioners as well as the respondents and gives its judgement. It can accept the petitions, reject the election of the candidate and even disqualify him from contesting elections for a period of six years. The candidate can appeal in the Supreme Court of India against the decision of the High Court. The Supreme Court then gives the final verdict.

Thus, Election System in India is a well-structured system. Holding of elections in India is a gigantic task as it involves the employment of a large number of people, setting up of a large number of polling stations and making of elaborate arrangements for ensuring a free and fair conduct of elections. The electoral process is well structured, but the critics point out several defects in its structure as well as in its operation. The limitations of the relative majority vote victory system, the centralization of election work in the Election Commission, the apathy of the voters,

poll rigging, the role of money and muscle power in elections, the impersonated voting, booth capturing, poll violence, etc., are all present in Indian elections. The need for eliminating electoral mal-practices is being voiced by all the political parties, but a consensus is yet to emerge. Meanwhile, the government has enacted laws for checking the evil practices of booth capturing and poll eve violence. The laws provides for deterrent punishment. Further, the Election Commission formulates and enforces a code of conduct for the political parties and the candidates. The contestants are to refrain from electoral corrupt practices and offences. It also defines what constitutes a breach of official duty. However, there is still a need to introduce several electoral reforms.

6.2CODE OF CONDUCT IN ELECTIONS

On the eve of the elections, the Election Commission formulates and enforces a code of conduct for the parties which clearly defines the nature and scope of the corrupt practices during elections, electoral offences and breaches of official duties. All the candidates the political parties, and the party in power to strictly follow this code of conduct.

The following is usually the content of a code of conduct which comes into operation from the date of announcement of elections by the Election Commission.

(i) The code of conduct, relating to the ruling party or parties in power both at the Centre and in the States, prohibits the ministers from abusing their power or authority for promoting the election prospects of the party or individuals. Under these restrictions, the ministers are not permitted to use their official cars for election work, not even indirectly by combining their official tours with electioneering. They are also barred from using their official staff for election work.

(ii) The relevant provisions of the code of conduct are duly notified to the Cabinet Secretary in New Delhi so far as the Central Ministers and others are concerned, and to the State Chief Secretaries so far as the ministers in the States are concerned.

(iii) The instructions lay down that during election tours government meetings and all expenses except those related to maintenance of law and order have to be borne privately.

(iv) The role of officials at election meetings is confined to maintaining law and order and giving normal protection to ministers for journeys which have their main purpose to do election campaign. This was done on the presumption that for some weeks prior to the poll, the activities of ministers on tour were much more concerned with elections than with their official duties. It is also laid down that a journey undertaken by a minister for filing nomination papers and subsequent tours to his constituency should be regarded as tours being for election purposes. Where a Minister has a car exclusively at the expense of the State, the car should not be used for election purposes. Even where the car is provided by the State but the minister is given an allowance for maintenance of the vehicle, it is not desirable to use such a vehicle for election purpose. Another important provision of the code is the prohibition of the use of vehicles belonging to local bodies, corporations, municipalities and public undertakings for electioneering, either clandestinely or openly, as it amounts to misuse of official machinery.

(v) The code declares that carrying of electors to the polling stations in any such vehicle is also an electoral offence and a corrupt practice.

(vi) The Commission instructs the ministries to issue instructions to all the undertakings under their control that during the election period vehicles belonging to these bodies are not to be allowed to be used by MLAs, MPs and candidates in any capacity and the use of such vehicles is to be confined only for administrative purposes authorised by the Government.

(vii) The code further lays down that public places such as maidans for holding of public meetings and use of helipads for airflights in connection with elections are not to be monopolised by the party in power. Other parties and candidates are to be allowed to use such places and facilities on the same terms and conditions on which these may be used by the party in

power. Rest houses, dak bungalows or other government accommodation is not also to be monopolised by the party in power or its candidates and such accommodation is to be allowed to be used by other parties and candidates in a fair manner. But no party or candidate can use such accommodation (including premises appertaining thereto) as a campaign office or for holding any place-meeting for the purpose of election campaign.

(viii) The code calls upon the party in power to scrupulously avoid issue of advertisements at the cost of the public exchequer in newspapers and other media and the misuse of official mass media during the election period for partisan coverage of political news and publicity regarding achievements with a view of furthering its prospects. The code also prohibits the making of announcement of any financial grants in any form of promises thereof, laying of foundation stones of projects or scheme of any kind, adhoc appointments in government/pubic undertakings, all of which can have the effect of influencing voters in favour of the party in power.

(ix) The Election Commission releases regular advertisements in the newspapers which clearly define as to what constitute a corrupt practice, and electoral offence and a breach of duty in elections.

6.7 WHAT IS A CORRUPT PRACTICE DURING ELECTIONS?

a. Bribing a person to induce him/her to stand or not to stand as a candidate.
b. Bribing a voter for casting or not casting his vote or casting his/her vote for a particular candidate. '
c. Interference with free exercise of anybody's electoral right.
d. Threat with injury of any kind, including social ostracism, excommunication, divine displeasure or spiritual censure.
e. Appeal on grounds of religion, caste, community or language or the use of religious or national symbol.
f. Attempt at inciting enmity or hatred between different classes on grounds of religion, caste, community or language.

g. Propagation or glorification of Sati.
h. Publication of false statement about personal character and conduct of any candidate.
i. Hiring or procuring of vehicles for free conveyance of voters.
j. Incurring of election expenditure by a candidate in excess of the prescribed limit.
k. Booth capturing.

Commission of any corrupt practice is to result in election being declared void. The person concerned is to be disqualified for future elections upto six years and could also be prosecuted.

6.8 WHAT IS AN ELECTORAL OFFENCE?

a. Promoting enmity between classes on grounds of religion, race, community or language.
b. Convening, holding or attending any public meeting during 48 hours before the end of poll.
c. Causing disturbance at election meetings.
d. Printing of election pamphlets, posters etc. without Printers/Publishers names and addresses.
e. Violation of maintenance of secrecy of vote.
f. Influencing of voting by officials connected with conduct of elections and police personnel.
g. Canvassing within 100 metres of a polling station on the day of poll.
h. Disorderly conduct and disturbance in or near a polling station, including use of loud-speakers etc.
i. Misconduct at the polling station or failure to obey the lawful directions of the Presiding Officer.
j. Illegal hiring or procuring of vehicles for conveying voters to and from polling stations.
k. Unlawful removal of ballot papers from polling stations.
l. Booth capturing.

m. Fraudulent insertion of anything in the ballot box other than ballot paper or unauthorised supply of ballot paper or destroying any ballot paper etc.

Those found indulging in any of the above illegal acts are liable to imprisonment or fine or both. Imprisonment can vary from 3 months to 3 years.

6.9 WHAT IS A BREACH OF OFFICIAL DUTY?

a. Breach of official duty in connection with preparation, revision or correction of electoral roll or the inclusion or exclusion of any entry in or from the roll.
b. Non-maintenance of secrecy of voting. Any acts of officers at election for the furtherance of the prospects of the election of a candidate.
c. Breaches of official duty assigned in connection with the conduct of elections.
d. Acting as election agent, by government servants.
e. Act of booth capturing committed by a person in the service of the government.

Check Your Progress

1. What are the powers of the Election Commission?\
2. What is an Electoral Offence?
3. Write the stages of the Electoral Process in India.
4. Explain the term 'Corrupt Practice during Elections'

Any Government Official found guilty of breach of duty is liable for fine or imprisonment or both. Imprisonment would range from 3 months to 3 years.The leaders of various political parties also accept the need for following the code of conduct. They also stress the need for preventing poll violence, checking booth-capturing and rigging, and implementation of the model code of conduct for electioneering by the political parties.

Several leaders of political parties even want that there should be a total ban on the use or display of firearms by anyone on the polling day, and that the licenses of all arms in the country should be suspended or the arms be surrendered on the day of polling. But the views of the leaders on the subject show a wide divergence and it remains in the power of the Election Commission to take a decision in the matter. The leaders of the parties agree that they will refrain from making an appeal to the voters in the name of religion, caste or language, and would adhere to the model code of conduct for electioneering. The model code of conduct also enjoins the parties, their leaders and candidates not to do anything which might aggravate or create

tensions between various social and linguistic communities, nor would they indulge in making appeals based on religion, caste or language.

However, in actual practice, the political parties keep on using these cards. Ram Janambhoomi vs. Babri Masjid issue continues to be raised as an issue. Poll rigging, election eve violence, booth capturing, poll day violence and use of money and muscle power characterise elections in India, particularly in states like Bihar and UP. At the time of September 1999 elections for electing the 13thLok Sabha, the Election Commission tried hard to strictly implement the code of conduct. However, it went a little too far in

prohibiting discussions on Kargil war and in banning the publishing or telecasting/broadcasting of the findings of opinion polls and exit polls before the completion of the voting process. The Election Commission felt that the results of such polls could unduly influence the voting behaviour and consequently the results of the elections. However, a five-judge constitutional bench of the Supreme Court questioned the wisdom of the Election Commission in issuing such directions. It refused to issue directions to the government and other instrumentalities to enforce such a ban on the publication/telecasting or broadcasting of opinion polls and exit polls. The honorable court held that the Election Commission had no such power under Article 324 of the Constitution. Consequently, results of the exit polls were made public after the final phase of polling and before the declaration of election results. This practice was repeated in March-April 2004 at the time of elections for the 14th Lok Sabha. However, the election results proved wrong all the poll predictions made by exit polls and other opinion polls.

6.10 ANSWERS TO CHECK YOUR PROGRESS:

1. Refer chapter 6.2
2. Refer chapter 6.8
3. Refer chapter 6.5
4. Refer chapter 6.7

UNIT 4
LESSON 7
INDIAN CONSTITUTION

UNIT STRUCTURE

7.1 The Preamble

7.2 Nature and Significance of the Preamble

7.3 Legal significance of the preamble

7.4 Amending the Constitution

7.5 Are Fundamental Rights Amendable?

7.6 Answers to Check Your Progress

The Constitution of India as adopted on 26th November, 1949 by the Constituent Assembly of India and implemented on 26th January, 1950 consists of a Preamble and 395 articles plus 12 Schedules. It seeks to provide a unified shape to multiple divisions of our society based on caste and class, religion and language and ethnicity by building up a polity based on certain principles. It not only lays down the structure and institutions of a liberal democratic political system evolved in Western capitalist societies, British society in particular, it also prescribes a standard of legitimacy for assessing the validity of governmental actions toward the accomplishment of positive goals underlying the Constitution and gloriously expressed in the Preamble. The Constitution thus expresses certain values of universal character and hence generally acceptable to all sectors of our society. It is a **political and economic document; it represents a specific political economy.** The Constitution necessarily reflects the basic interests and values of these groups or classes in society who have been responsible for its formulation—the middle and business classes.

But the Constitution is not simply a series of paper formulas which have remained intact and unchanged since it was framed and adopted. The demand of social change and events as well as the emergence of new groups or classes seeking to change the existing distribution of power and different attitudes on the part political leaders have called for modifications in the constitutional framework. Hence

the Constitution has changed. And this change has been effected through amendments made in accordance with the procedure embodied in the Constitution. The Constitution of India is thus not static but dynamic. It is a living document.

7.1 THE PREAMBLE

Like every written Constitution in the world the Constitution of India begins with a Preamble. It is the quintessence of the Constitution, the fundamental values and the principles on which the Constitution is based. It proclaims the source of authority of the Constitution and the great objectives to be attained under it.

In a brief 82-words Preamble to the Indian Constitution, the rounding fathers set down with unmistakable clearness the source of authority and the **aims and objects** which the Constitution seeks to establish and promote. To the original Preamble three more words were added by the 42nd Amendment Act in 1976, namely "secular", "socialist" and "integrity". The Preamble now reads as follows:

WE THE PEOPLE OF INDIA having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity, and to promote among them all

FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation;

IN OUR CONSTITUENT ASSEMBLY this twenty sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION

1. The opening words of the Preamble, **"we the people of India"**, have been called by Justice V.R.Krishna Iyer **"the most revolutionary words"** because they emphasize that the source of our Constitution is the people. This implies, first, that ultimate sovereignty belongs to the people; and second, that the founding fathers were the real representatives of the people; and third, that the

Constitution and all authority derived from it rest on the consent of the people. In short, our Constitution, unlike the earlier Government of India Act enacted by the British Parliament, is not a gift of the British Parliament. It has been drafted, enacted and ordained by the people of India through their representatives (i.e. national leaders of the day) assembled in a Constituent Assembly which was sovereign. The **people are the masters of the Constitution,** not the reverse.

2. The Preamble then, proclaims the solemn resolve of the people of India to **constitute India into a Sovereign Socialist Secular Democratic Republic.**

i) Sovereign:

The word "Sovereign" means that on and from 26th January, 1950, when the Constitution came into force, India has ceased to be a colony or dependency of any foreign state. India is sovereign like Great Britain or the United States. She has the power to legislate on any subject, to promote the health, morals, education and good order of the people. This is what is called internal sovereignty. However, internal sovereignty of India is limited by the federal division of powers and other limitations imposed by the Constitution (e.g. the fundamental rights).Externally, India is not subject to the control of any other state or external power. India's membership of the Commonwealth of Nations of the United Nations does not affect her sovereignty in any legal sense. India is a member of these organizations by free will, to be terminated by free will. Of course, no state in the world today is sovereign in the Hobbesian or Austinian sense, sovereignty of every country is limited by various factors.

ii) Socialist:

By inserting the word 'Socialist' in the Preamble, by the Constitution (42nd Amendment) Act 1976, it is declared that the goal of Indian polity is socialism. However, socialism envisaged in our Constitution is "brilliantly vague" and, as interpreted by Mrs.Gandhi and her Congress, it can mean, if not all things to all men at least most things to most. It may be described as a flexible philosophy seeking to appeal to the have-nots' urge for change and to the haves's desire for security. Prime Minister Indira Gandhi the architect of the 42nd Amendment Act said, "We have our

own brand of socialism". It envisages a "mixed economy" but aims at offering 'equal opportunity to all', and the abolition of the vested interests. It is an Indian variant of "democratic socialism" and not 'Marxian socialism'. **In reality, it envisages capitalism—both public and private.** The 42nd Amendment Act left the Right to Property, the central ingredient of capitalist order, untouched; the Constitution recognised the Right to Property as a fundamental right. Even after Constitution (44th Amendment) Act, 1978 the right to property remains a constitutional right, a legal right.

iii) Secular:

The Constitution (42nd Amendment) Act, by incorporating the term 'secular' in the Preamble, emphasizes the ideal of a 'secular state' that India strives for. This means that the Indian democratic system protects all religions equally and does not itself uphold any state religion. This secular objective of the state i.e "the liberty of belief, faith and worship" promised in the Preamble has been implemented by incorporating the fundamental right of all citizens relating to freedom of religion (Arts. 25-29)

iv) Democratic:

The word 'democratic' indicates primarily to a democratic political system. The Constitution establishes a responsible, representative government at national and State levels by adopting universal suffrage and forbidding discrimination on grounds of religion, caste, race, colour, place of residence, sex and the like. The Constitution however does not provide for direct democratic devices, such as the 'referendum', 'recall' or 'initiative'. The people of India are to exercise their sovereignty through their representatives elected by universal adult suffrage and equal vote.

The representatives are to exercise their legislative functions and ministers responsible to the legislative body are to carry on administrative functions.

v) Republic:

Broadly speaking, a Republic means a state in which the supreme power resides in the people and exercised by the people as an organized whole or through

their elected representatives. In a narrow sense, a Republic means a state which is not governed by a hereditary king or by a privileged class (e.g. aristocracy).

The Preamble to our Constitution uses the term, as D. D. Basu points out, in both the senses. For, the people of India as the ultimate sovereign exercise their supreme power through their elected representatives. Instead of a hereditary king, we have an elected President as the head of the State. Further, all public offices—from the lowest to the highest (the President)—are open to all citizens irrespective of their caste, creed, religion, or sex.

3. The Preamble pictures not only a democratic form of government, but also a democratic society which is infused with the **ideals** and spirit of **Justice, Liberty, Equality and Fraternity.**

i) Justice:

The aim of our political system is to establish a right ordering of society so as to secure to all citizens social, economic and political justice.

Social justice is the *sine qua non* of a "welfare state" in as much as it prohibits discrimination on artificial ground; it also prohibits forces creating artificial social barriers. Economic justice (or distributive justice) is a corollary to social justice. It means improvement of the lot of the downtrodden and weaker sections of the community, non-exploitation of the working class, and reshaping the economy in a way that its benefits are equitably or justly available to the common man. This socio-economic justice has been translated into several Articles enshrined in Part III and Part IV of the Constitution. These constitutional provisions affirm that the State would not discriminate, in the matter of public employment, between one citizen and another merely on the ground of religion, race, caste, sex or place of birth. The State would also seek (a) to remove social disabilities (like untouchability, bonded labour, illiteracy etc.); (b) to improve the position of severely deprived groups (women, Scheduled Castes and Scheduled Tribes) by providing for compensatory discrimination; (c)

to end poverty, ignorance and disease; and (d) to actively intervene in the economy to create equality of opportunity and of welfare.

The Constitution ensures political justice—that is, free and fair participation of the people in political matters—by introducing universal equal secret adult suffrage and by making all the elected offices, open to all citizens.

ii) **Liberty:**

A democratic way of life requires the constitutional guarantee of certain minimal rights which are essential to the development of individual personality and perfection of national life. The Preamble thus proclaims that the Indian Republic shall secure to all citizens "liberty of thought, expression, belief, faith and worship." This has been guaranteed under the caption "Fundamental Rights" in Part III of the Constitution.

iii) **Equality:**

Liberty is a sham without equality. Hence the state is required to secure to all citizens "Equality of Status" and "Equality of Opportunity". The expression "Equality of Status and Opportunity" includes the meaning of social justice indicated before. But political and social equality can come to fruition when it is founded on economic equality. We miss however the ideal of "Economic Equality" in the Preamble.

iv) **Fraternity, Unity and Integrity:**

An objective of the Indian democratic republic, as proclaimed in the Preamble, is to develop a sense of fraternity or brotherhood among the citizens, expressing itself in social, economic and political life. It is all the more essential in our country, composed of so many ethnic groups, religions, languages and cultures. The makers of our Constitution have thus adopted the ideals of liberty, equality and fraternity—the three watchwords of the French Revolution. This

trinity of ideas should form the three pillars of a new social order they visualized. They clearly realised that if Indian democracy cannot generate a spirit of brotherhood among all sections of the population—a feeling that they are all children of the same soil (the same Motherland), the unity of the nation cannot be achieved. However, it is the dignity of the individual which brings people together and is the very foundation of the unity and integrity of the nation. The Preamble, therefore, states that the Indian democratic republic shall ensure dignity of the individual.

The unity and fraternity of the people have been sought to be achieved by enshrining the ideal of a "Secular State" in Articles 25- 29 (Part III) of the Constitution and by inserting the word "Secular" in the Preamble. The dignity of the individual is sought to be achieved by guaranteeing equal fundamental rights to each individual and by incorporating a number of Directives in Part IV of the Constitution.

Unfortunately, it is fraternity that is becoming increasingly in short supply. It is the dignity of the common man which has come under assault. As a result the tendencies of casteism, communalism and linguism also very often threaten the unity and integrity of the nation.

Conclusion

Summing up, though the Indian democratic republic has a long way to go to go to achieve its objectives the ideals and values proclaimed in the Preamble—India, to quote Chief Justice P.B.Gajendragadkar, "is committed to the ideal of the welfare state and must establish socio-economic justice." India is committed to democracy and respects individual liberty. India wants to give to all her citizens' equality of status and of opportunity, thereby attempting to create a mighty brotherhood of Indian citizens which would assist the "Sovereign Democratic Republic of India in reaching its proclaimed objectives."

7.2 NATURE AND SIGNIFICANCE OF THE PREAMBLE

The Preamble is a prologue to the Constitution. It embodies, in essence, a **basic philosophy,** the ideals and aspirations or the objects for the realization of which the Constitution-makers have adopted the Constitution. The Preamble is thus a key to know the minds of the Constitution-makers and to understand the meaning of the Constitution. The Preamble to the Constitution of India embodies an ideology, **philosophy** underlying our Constitution. That philosophy was embodied in the historic Objectives Resolution adopted by the Constituent Assembly on 22 January, 1947 and which animated the shaping of the Constitution through all its various stages. The ideal embodied in the above Resolution is vividly reflected in the Preamble. As amended in 1976 the Preamble contains, in a nutshell, the aims and objects which the founding fathers of the Constitution intended to be realized by its various provisions.

The Preamble proclaims with unmistakable clearness that the authority of the Constitution derives from the people of India and that India is to be a Sovereign Socialist Secular Democratic Republic. India is sovereign in the sense that she is not subject to the control of any foreign state and has the power to legislate on any subject, limited only the Constitution. The political system of the country is to be democratic, a representative democracy. The people of India will exercise their sovereign power through their elected representatives. The ideal of a democratic republic enshrined in the Preamble is translated in various constitutional provisions such as the adoption of universal suffrage, equality of all sexes not only before the law but also in the political sphere and all public offices are open to all citizens irrespective of their caste, religion or sex.

The Preamble **pictures not only a democratic form of government, but also a democratic society,** which is infused with the noble ideals and spirit of "justice, liberty, equality and fraternity". The Preamble, therefore, states in precise and lucid terms that the Constitution aims to secure to all citizens of India—

1. Justice, Social, Economic and Political;
2. Liberty of thought, expression, belief, faith and worship;

3. Equality of status and opportunity and to promote among all
4. Fraternity assuring the dignity of the individual and the unity and integrity of the Nation.

Thus the Indian Constitution promises not only political democracy but also social democracy, as explained by Dr.Ambedkar in the Constituent Assembly. Social democracy means "a way of life which recognises liberty, equality and fraternity"— the three epoch-making ideals of the French Revolution. Further, the aim of the democratic republic is to establish a right ordering of society so as to secure to all citizens not only political but socio-economic justice. Social justice is the *sine qua non* of a "welfare state", inasmuch as it prohibits discrimination on artificial grounds; it also prohibits forces creating artificial social barriers. Economic or distributive justice is a corollary to social justice. It means freedom from hunger and destitution, non-exploitation of the working class and reshaping the economy in a way that its benefits are equitably or justly available to the common man. This socio-economic justice has been translated into several Articles in Part III and Part IV of the Constitution.

In short, the Democratic Republic of India stands for the good of all. The goal envisaged by the Constitution is, therefore, embodied in the concept of a "Welfare State" and the establishment of a "socialist state". But the "socialism" envisaged" in our Constitution is very vague. It does not subscribe to any brand of socialism. It is, in the words of Prime Minister Indira Gandhi, the architect of 42nd Constitution Amendment Act, "our own brand of socialism". It does not involve "nationalization" of all the means of production and the abolition of private property. The Indian brand of socialism (or Congress socialism) envisages a mixed economy, but aims at offering "equal opportunity" to all, and the abolition of "vested interests":

Thus the **Preamble constitutes a perfect document of a democratic welfare state; it reflects the spirit of basic philosophy behind the Constitution.** It embodies the determination of the people of India to unite in building up a nation which will ensure the triumph of justice, liberty, equality and fraternity. The philosophy of the Constitution so gloriously expressed in the Preamble has been

termed by K.M.Munshi as "political horoscope". The rich and variegated theme of the Preamble runs through every provision of the Constitution. The main body of the Constitution may be regarded as the Preamble "writ large", i.e. an extension of the Preamble itself. The Preamble is "an epitome" of the broad features of the Constitution or the latter are an amplification or concretisation of the ideals set out in the Preamble.

As an introduction to the Constitution the Preamble is thus invaluable. It is a key to the minds of the constitution-makers. In the words of Chief Justice Subba Rao (in *Golaknath v. State of Punjab,* 1967): "The Preamble contains, in a nutshell, its ideals and aspirations". It lays down the principal objectives which the Government of our country should strive to achieve. It expresses the political, moral and religious values which the Constitution is intended to promote. Pandit Thakur Das Bhargava, a member of the Constituent Assembly, therefore said:**"The Preamble is the most precious part of the Constitution. It is the soul of the Constitution. It is a key to the Constitution. It is a jewel set in the Constitution".** He further said that the Preamble is the proper yardstick with which we can measure the worth of the Constitution. It may be regarded as the radiant sun that illuminates the provisions of the Constitution.

7.3 LEGAL SIGNIFICANCE OF THE PREAMBLE

From the strictly legal point of view the significance of the Preamble is "limited". The Preamble is an invaluable introduction to the Constitution and hence is a part of the Constitution but not a part of its operative provisions *(Re: Keshavananda Bharati case,* 1973). The Preamble is not an enactment. The Preamble itself cannot be enforced in the court of law. It is a key to open the minds of the Constitution-makers; it is a key to know the evils or inconveniences which they intended to remedy.

Hence, if the Court finds that the language or expression used in a provision of the Constitution is ambiguous, is capable of having two meanings, it may refer to the Preamble to explain and elucidate it. But an ambiguity cannot be created or imagined. This view was expressed by the Supreme Court in the *Berubari case* (1960), *Bhim*Singhji v. Union of India (1981), Gopalan v. State of Madras (1950).

Where the language of the constitutional provision is clear and unambiguous, the terms of the Preamble cannot qualify it.

The **function of the Preamble is illuminative and not restrictive or expansive.** The Preamble cannot be the source of any substantive power. In *Keshavananda's case,* though the Supreme Court declared the Preamble as a part of the Constitution, it did not suggest that the government could derive any additional power from the Preamble. Hence the Court cannot be expected to examine the constitutional validity of a legislative enactment or administrative measure by keeping their attention confined to the Preamble. The Preamble should be regarded as a "guiding star" in the interpretation of law. To quote D.D.Basu, "the proper function of a Preamble is to explain certain facts which are necessary to be explained before the provisions contained in the Act can be understood". But the Preamble itself, as Chief Justice of the Supreme Court P.B.Gajendragadkar aptly observed, "is neither a source of power, nor a source of the privation of power."

In recent times, however, the Supreme Court, is inclined to take the view that since the Preamble sets forth the goal of our political system, it **may be invoked to determine the scope of Fundamental Rights** *(Minerva Mills v. Union of India,* 1980) and the Directives *(State of Kerala v. Thomas,* 1976, *Waman v. Union of India,* 1981); because it is the ideals of socialism, secularism and democracy which are elaborated by the provisions of the Constitution. Briefly stated, while interpreting the provisions of the Constitution as well as a statute (the constitutionality of which has been challenged), the Court is relying on the objects embodied in the Preamble to the Constitution, whenever the language of the Article permits *(Bhim Singhji v. Union of India,* 1981). In the cases of *Lingappa u. State Maharastra* (1985) and *Indira v. Union of India* (1992), the Supreme Court went further. In its view, the words "social justice" in the Preamble makes it obligatory for the State to enact positive measures for the protection of the tribes and the weaker sections of the community, and hence the constitutionality of such measures should be upheld.In short, the Preamble to the Constitution of India has become of great legal importance.

Conclusion

The Preamble which contains, in a nutshell, the ideals and aspirations of the Constitution-makers, is an invaluable key to the Constitution. The Preamble by itself is not enforceable in the court of law lint while interpreting the Constitution if the court finds that the language or an expression used in the provision of the Constitution is not clear and may bear two meanings, it may turn to the objects contained in the Preamble for a proper appreciation of the aims and objectives of the Constitution. In *Keshavananda case* Justice Sikri asserted that the Preamble is "of extreme importance and Constitution should be read and interpreted in the light of the grand and noble vision expressed in the Preamble". While delivering its judgement, the Supreme Court stated, "the edifice of our Constitution is based upon the basic elements mentioned in the Preamble. If any of those elements are removed, the structure will not survive and it will not be same Constitution or it cannot maintain its identity." In the latest *S.R.Bommai* case it has been reiterated that the basic elements or features of the Constitution parliamentary government, federal structure, secularism, socialism, social justice, unity and integrity of the nation cannot be altered by any amendment of the Constitution under Article 368. But the Preamble cannot be the source of additional power or limitation on power. We may conclude by citing the following observation made by Supreme Court in *Atma Prakash's case* (1986): "Whether it is the Constitution that is expounded or the constitutional validity of a statute that is considered, a cardinal rule is to look to the Preamble to the Constitution as the guiding light and to the Directive Principles of State Policy as the Book of Interpretation. The Preamble embodies and expresses the hopes and aspirations of the people. The Directive Principles set approximate goals. When it is the task of examining statues against the Constitution, it is through these glasses that the Court must look, 'distinct vision' or 'near-vision'. The Constitution being *sui generis,* where constitutional issues are under consideration, narrow interpretative rules which may have relevance when legislative enactments are interpreted may be misplaced".

7.4 AMENDING THE CONSTITUTION

Every constitutional system of government must provide methods for bringing about changes in the Constitution when it becomes necessary as times have changed. A Constitution necessarily reflects the interests and values of those groups or classes in society which have been responsible for its formulation. In time, however, as society changes new groups arise who are dissatisfied with the *status quo,* the existing distribution of power (economic, social and political) and values, they seek to change that distribution by bringing about necessary alterations in the nation's fundamental framework. The demand of social changes and events as well as the emergence of different attitudes on the part of the leaders and the general masses of people also call for modifications in the constitutional framework. Hence every constitutional system of government must provide methods for bringing about such modifications peacefully, otherwise necessary changes will be effected through a breakdown and overthrow of the whole constitutional system.

Like the United States Constitution, the Indian Constitution also provides methods for amendment. The amending process of the Indian Constitution is, however, a distinctive innovation of the Founding Fathers of the Constitution. It is **neither rigid like the American Constitution nor flexible like the British Constitution.** While recognising that the Constitution is the fundamental law of the land and hence should be as "solid and permanent" as possible, the Founding Fathers also realised that if the Constitution is made too rigid it cannot be adapted to the changing needs of national development and growth. The survival of a political system is dependent upon the ability of its constitutional system to respond to the various "inputs" which it receives from the environment which is not only dynamic but in "turmoil". The real problem before the Founding Fathers was, as D.D. Basu writes, "to devise some process of amendment by which a comparative stability could be secured to the federal provisions of the Constitution, while in other respects the Constitution could be made to respond to the needs for reform and progress under new conditions as they arise". This has been done in three ways:

i. **By unilateral action of Parliament by simple majority:**
Some provisions of the Constitution [e.g. Arts. 2-11, 105, 106,118(2), 120(2), 124(1), 135, 240, 348] can be altered by the Parliament in the ordinary lawmaking process, that is, by a simple majority. A bill passed to alter the above provisions is not deemed to be a Constitution (Amendment) Bill under Article 368 of the Constitution.

ii. **By unilateral action of Parliament by special majority :**
Some provisions of the Constitution, including Part III (Fundamental Rights) and Part IV (Directive Principles of State Policy), can be amended by Parliament itself but only by a special majority as provided in Article 368 of Part XX of the Constitution.

iii. **By bilateral action of Parliament and state legislatures:**
Provisions which effect the federal structure of the Constitution can be amended by Parliament by a special majority but only when half of the States have ratified the amendment. These provisions relate to: election of the President; extent of the executive power of the Union and the States (Articles 73, 162); Supreme Court and High Courts (Chapter IV of Part V, Chapter V of Part VI); distribution of legislative powers between the Centre and the States; any of the lists in the 7th Schedule, 4th Schedule relating to the representation of the States in Parliament; provision of Article 368 itself.

Thus our Constitution does not provide for a separate constituent body for the amending process. It has combined the theory of "fundamental law" which underlies the American Constitution with the theory of "parliamentary sovereignty" which underlies the British Constitution.

The **procedure of amendment detailed in Article 368** is as follows:

a. A bill of constitutional amendment can be moved in either House of Parliament. If it is passed by each House by a majority of 2/3 of its members present and voting (which must be a majority of the total membership of the House), the bill shall be presented to the President who shall give his assent. The Constitution is amended as per terms of the bill.

b. If, however, such amendment seeks to make any change in the provisions under special category (c) above, the bill must be referred to the States for their ratification. If one-half of the State Legislatures pass resolutions ratifying the amendment, the bill shall be presented to the President for his assent. The Constitution, however, does not provide for any time limit within which the states must signify their ratification of a Constitution (Amendment) Bill, referred to them for this purpose.

Special Features of the Amending Process: Thus the amending process of our Constitution, while making a curious blending of the flexibility of the British Constitution with the rigidity of the Americas- and some other Constitutions of the world, has made the Constitution **more flexible than rigid.** It is rigid in so far as the amendment requires a special majority and, in some cases, a special procedure. However, the procedure is less complicated or difficult than in the United States, Switzerland, Australia or France. The specifically distinctive features of the amending process of our Constitution are:

1. Like the British Parliament, our Parliament is the constituent body. But in exercising its constituent power our Parliament must follow the special procedure' prescribed in Article 368 and act by a special majority. But the British Parliament's constituent power is unlimited.
2. The State legislatures cannot initiate any proposal for constitution amendment. This right belongs exclusively to either House of Parliament.
3. Except where Article 368 requires a special majority, our Parliament can pass a Constitution amendment bill like any other ordinary law.
4. As contrasted with the American Constitution only the amendment of a few provisions of our Constitution requires ratification by State legislatures. The provision for ratification in our Constitution is more liberal than in the American Constitution because, whereas in the United States ratification by 3/4 of the States is necessary, in India ratification by only 1/2 of the State legislatures is enough.

5. No previous sanction of the President is required for introducing in Parliament any Constitution amendment bill.

6. As it stands, after the Constitution (24th Amendment) Act of 1971, the President "shall give his assent" to a Constitution Amendment Bill passed by Parliament.

It is thus evident that the **amendment procedure does not conform to the federal principle as understood in the United States.**

There has been a controversy whether fundamental rights are amendable. In the case of *Golok Nath v. The State of Punjab* (1967) the Supreme Court by a majority of six judges proclaimed that fundamental rights included in Part III in the Constitution cannot be amended by Parliament under Article 368; a new Constituent Assembly must be convened for the purpose. The Court thus reversed its previous decisions in *Sankari Prasad v. Union of India,* 1951. Parliament thought to supersede the decision by amending Article 368 itself, by the Constitution (24th Amendment) Act, 1971. The validity of this Act was upheld by the Supreme Court in *Keshavananda v. State of Kerala.* In the result Parliament can amend fundamental rights by passing an Act under Article 368. The Court however proclaimed that Parliament has no power to alter the "basic features" of the Constitution. This decision was reiterated in the *Minerva Mills case* 1980. Thus, so far as the Court is concerned, Parliament has the power to amend any part of the Constitution except its "basic features". But there has been no consensus among the judges of the Supreme Court as to what constitutes "basic structures" and no majority judgement is available laying down the features of the Constitution that may be considered "basic". In *Indira Nehru Gandhi v. Raj Narain,* 1975, the Supreme Court Justice Chandrachud has observed that "the theory of basic structure has to be considered in each individual case, not in the abstract, but in the context of the concrete problem".

To conclude, the procedure for amendment of our Constitution is more flexible than rigid. This is evidenced by so many as 78 amendments in 47 years of the working of the Constitution. Such flexibility has given the party in power an opportunity to use it too often to achieve political purposes or to get rid of judicial

decisions. The 42nd (Constitution Amendment) Act is the epitome of the misuse of amending power by a parliamentary majority. The Act introduced vital changes and upset the balance between the different organs of the state and made dangerous inroads into our fundamental rights, thus shaking the very foundation of constitutional government. It was, as says D.D. Basu, practically a revision of the Constitution.

7.5 ARE FUNDAMENTAL RIGHTS AMENDABLE?

Fundamental Rights, under some constitutions like the American Constitution, are held to have a special sanctity as compared with other provisions of the Constitution. They are considered immune from constitutional amendments. The Constitution of India rejects this principle. Parliament can amend all provisions or any part of the Constitution including the Fundamental Rights, provided the procedure as laid down in Article 368 is complied with. This principle that Fundamental Rights are amendable has, however, been established after a prolonged struggle between Parliament and the ' in prone Court for supremacy in interpreting the Constitution. One of the principal substantive grounds on which the battle was fought was the meaning of and limitations on the right to property guaranteed In Article 19 (F) of the Constitution. The main formal arena was the amending power of the Parliament.

1. Until thecase of *Golak Nath* (1967), the Supreme Court had been holding that-

(a) No part of our Constitution is unamendable;

(b) Parliament may, by passing a Constitution Amendment Act in accordance withthe procedure under Article 368, amend any provision of the constitution including Fundamental Rights and Article 368 itself (sankari Prasad v. *Union of India,* 1951; *Sajjan Singh v. State of* Rajasthan, 1965).

In this view, then the court can act as the protector of Fundamental rights so long as they were not amended by Parliament under Article 368. In fact Parliment had to exercise its amending power immediately after the commencement of the Constitution. When State Governments, in carrying out much needed land reforms, passed legislations abolishing feudal intermediaries (Zamindars and Jagirdars), these were blocked in the Courts by

cases brought under Articles 14, 19 and 31, protecting Fundamental Rights. The Supreme Court invalidated such legislations on the ground that these were violative of property rights included in Article 19(f) of the Constitution *(Ramesh Thapparv. State of Madras,* 1950; *Brij Bhusan v. State of Delhi; State of West Bengal v. Subodh Gopal,* 1954; *State of West Bengal v. Bela Banerjee,* 1954). Parliament responded and superseded the narrow interpretation of Articles19 and 31, by passing the Constitution (1st Amendment) Article 1951 and the Constitution (4th Amendment) Act 1955.

2. In *Golak Nath's case,* a majority of Supreme Court judges of eleven overruled the previous decisions. The majority took the view that the Fundamental Rights can be amended only by a new Constituent Assembly convened for this purpose, and not by Parliament.

3. Parliament responded with the 24th Constitution Amendment Act, 1971, which superseded the majority decision in *Golak Nath's case* by asserting Parliament's power to amend Fundamental Rights. Even then the controversy before the Supreme Court did not cease because the validity of the 24th Constitution Amendment itself was challenged in the momentous case of *Keshavananda v. State of Kerala,* 1973. The 24th amendment has been held to be valid and the decision in *Golak Nath* has been overruled by the Full Bench of the Supreme Court. The net result is that: (a) Parliament can amend Fundamental Rights by passing an Act in accordance with the procedure laid down in Article 368; and (b) the validity of a Constitution Amendment Act cannot be questioned on the ground that it takes away or affects a fundamental right.

4. Eventually, during emergency, the captive Parliament of Prime Minister Indira Gandhi passed the 42nd Amendment Act, 1976, which inserted (4)-(5) clauses in Article 368. The purpose was to supersede another part of the *Keshavananda* decision. In *Keshavananda's case,* the Court declared that though the Fundamental Rights put no limitation on Parliament's amending power, there were other "implied limitations", namely, in the exercise of its

Check Your Progress

1. What do you understan[d] by 'Preamble'?
2. Explain the term 'Sovereign'.
3. Elucidate the nature an[d] significance of the Preamble.
4. Discuss the ways in which the Constitution of India can be amended.
5. Are the Fundamental Rights guaranteed by the Constitution amendable?

amending power Parliament could not alter the "basic features" of the Constitution or make a new Constitution. This view of the Court was superseded by the two clauses which laid down that (a) there were no limitations, express or implied, upon Parliament's constituent power, and that (b) a Constitution Amendment Act would not, therefore, be subject to judicial review on any ground.

5. In the *Minerva Mills case* (1980), the Constitution Bench of the Supreme Court has invalidated clause (4)-(5) of Article 368 on the ground that these clauses have violated a "basic feature" of the Constitution, namely, judicial review and limited nature of Parliament's amending power under Article 368.

7.6 ANSWERS TO CHECK YOUR PROGRESS:

1. Refer chapter 7.1
2. Refer chapter 7.1
3. Refer chapter 7.2
4. Refer chapter 7.3
5. Refer chapter 7.5

UNIT 4
LESSON 8

FUNDAMENTAL RIGHTS AND DUTIES

UNIT STRUCTURE

8. 1 Meaning and Nature of Fundamental Rights

8. 2 Amendability of Fundamental Rights: Court versus Parliament

8. 3 Equality before the law and equal protection of the laws.

8. 4 Right to Freedom (Articles 19-22)

    8.4.1 Six Freedoms (Article 19)

    8.4.2 Nature of rights that are guaranteed

    8.4.3 Particular Freedoms

    8.4.4 Critical Evaluation of Six Freedoms

8. 5 Protection in Respect of Conviction for Offences (Article 20)

8. 6 Freedom of Person or Personal Liberty (Article 21)

    8.6.1 Object of Article 21

8. 7 Right against Arrest and Detention (Article 22)

8. 8 Right against Exploitation (Articles 23-24)

8. 9 Right to Freedom of Religion (Articles 25-28)

8. 10 Freedom of conscience and religion (Article 25).

8. 11 Freedom to manage religious affairs (Article 26).

8. 12 Freedom to pay taxes for promotion of any religion (Article 27)

8. 13 Freedom as to attend religious instructions in educational institutions (Article 28)

8. 14 Cultural and Educational Rights (Articles 29-30)

8. 15 Right to Constitutional Remedies (Article 32)

    8.15.1 Scope of Article 32

    8.15.2 Effects and significance of the guarantee

8. 16 Limitations on enforcement of fundamental rights

8. 17 Answers to Check Your Progress

Following the ideals of Rousseau and the French Revolution, Bill of Rights in the American Constitution and the United Nations Declaration of Human Rights, the Constitution of India incorporates Fundamental Rights in Part III thereof: (i) Right to equality, (ii) Right to particular freedoms, (iii) Right against exploitation, (iv) Right to freedom of religion, (v) Cultural and educational rights and (vi) Right to constitutional remedies. These rights guaranteed by the Constitution constitute, in the words of Jawaharlal Nehru, "the Conscience of the Constitution". They constitute as a great charter of the rights of the Indian people, the "very foundation and cornerstone of the democratic way of life ushered in this country by the Constitution", as said Justice Gajendragadkar of the Supreme Court in *Sajjan Singh us. State of Rajasthan,* 1965.

8.1 MEANING AND NATURE OF FUNDAMENTAL RIGHTS

Rights, as Ernest Barker says, are those necessary conditions of the development of the personalities of the individual, which are secured and guaranteed by the state. The state does it through the instrumentality of its legal code. Rights are therefore legal and are protected by law and enforceable in the court of law. Some of these rights are protected and enforced by the law of the land; these are ordinary legal rights. Other rights are protected and guaranteed by the written Constitution of the state. These rights are called "fundamental" because they enjoy a sanctity not usually enjoyed by the ordinary legal rights. While ordinary rights may be changed by the legislature in its ordinary process of legislation a fundamental right can be altered only by the process mentioned in the Constitution. It cannot be suspended or curtailed except in the manner prescribed in the Constitution itself. Furthermore, no organ of the state—the legislature, executive or judiciary—can act in violation of such a right .Any act which is in violation of such a right shall be void. The six types of rights embodied in Part III of our Constitution are, in this sense, Fundamental Rights. A critical analysis of the nature of those fundamental rights reveals the **following characteristics.**

In the first place, *some of the fundamental rights are granted to the citizens alone,* for example, equality of opportunity in matters of public employment, protection from discrimination on grounds of religion, race, caste, etc; freedoms of

speech, assembly expression, association, movement, residence and profession; cultural and educational rights of minorities. Other fundamentals rights, on the other hand, are granted to all persons living this country—citizens or foreigners. They are, for example, equality before the law and equal protection of the law; protection in respect of conviction against *ex post facto* laws, double punishment and self-incrimination, protection of life and personal liberty against action without any authority of law; right against exploitation, freedom of religion.

In the second place, *some of the fundamental rights are positive and others negative in nature.* The positive rights are those which confer some benefits upon the individual; e.g. the right to religion, and the cultural and educational rights. The negative rights, the other hand, are those which impose "limitations and restrictions on the authority of the state; for example, "the state cannot deny to any person equality before law and equal protection of law" (Article 14). If any state action—executive or legislative- violates such rights it may be declared void by the judiciary. But the positive rights are subject to "reasonable" restrictions imposed by the state and the court may declare a state action which imposed unreasonable restriction on their enjoyment unconstitutional and hence void.

In the third place, *some fundamental rights* (as under Article21) *are guaranteed against the executive but imposes no limitation upon the legislature at all.* But the rights guaranteed by Articles 15, 17, 18, 20, 24 place absolute limitation upon the legislative power. However, the rights guaranteed by Art. 19 do not belong to any of the above two classes because Article 19 itself gives the legislature the power to impose reasonable restrictions on the exercise of these rights in the public interest.

Fourth, the fundamental rights in the Constitution are not absolute. They are limited in normal times and during emergency in the interest of the collective good. The fundamental rights in our Constitution thus strike a balance between individual rights and collective good. This is in contrast to American Bill of Rights which has been formulated in absolute term. In the American Constitution the power of the State to impose limitations upon the fundamental rights of the individual in collective interests had to be evolved by the Supreme Court. In our country, this power has been expressly granted to the legislature itself. "There is thus", to quote Dr.Ambedkar, "no

difference in the result. What do one does directly, the other does indirectly. In both the cases fundamental rights are not absolute."

Fifth, since the fundamental rights are not absolute, they are *enforceable by the Courts.* The court is to decide the reasonableness of the restrictions imposed by the legislature on a fundamental right. The fundamental rights thus manifest the compromise between parliamentary sovereignty and judicial review in the Indian Constitution.

Sixth, the fundamental rights is *enforceable in two ways,* namely, (1) by a direct method contained in Article 32 whereby the Supreme Court can issue writs for the enforcement of the right; (2) by the power of judicial review of the Supreme Court and High Courts to declare a law passed by the Parliament or a State legislature invalid on the ground that it violates a fundamental right.

Seventh, fundamental rights are *amendable.* Parliament by a special majority can amend fundamental rights in the ordinary legislative process.

Eighth, the fundamental rights guaranteed by our Constitution *are in the nature of civil rights.* Political rights like the right to vote or economic rights, such as the right to work and leisure, have not been guaranteed as fundamental rights. This is a serious weakness of Part III of our Constitution for without economic rights most civil rights guaranteed as fundamental rights remain "paper" rights for the poor, the downtrodden and exploited masses of people.

Finally, *some of the fundamental rights reflect the pluralistic character of Indian society and culture.* The Constitution has guaranteed rights to various religious, ethnic, linguistic and cultural minorities in the country.

8.2 AMENABILITY OF FUNDAMENTAL RIGHTS: COURT VERSUS PARLIAMENT

Fundamental rights, under some constitutions as the American Constitution, are held to have a special sanctity as compared with other provisions of the Constitution. They are considered immune from constitutional amendments. But this principle has been rejected by the Indian Constitution. All parts of our Constitution, including the fundamental rights, can be amended by an Amendment Act passed under Article 368. This principle that fundamental rights are amendable has however

been established after a prolonged struggle between Parliament and the judiciary for supremacy in interpreting the Constitution. One of the principal substantive grounds on which the battle was fought was the meaning of and limitations on the right to property guaranteed in Article 19(f) of the original Constitution. The principal formal arena of struggle was the amending power of the Parliament.

Until the case of *Golaknath v. State of Bihar* (1967) the Supreme Court held that

(i) No part of our Constitution was unamendable,

(ii) The Parliament might, by passing a Constitution Amendment Act in accordance with the procedure laid down in Article 368, amend any provision of the Constitution including the Fundamental Rights (*Sankari Prasad v. Union of India,* 152: *Sajjan Singh v. State of Rajasthan,* 1965).

In this view the courts could act as the protector of fundamental rights as long as they were not amended by the Parliament in accordance with the procedure under Article 368 In fact, the Parliament had to exercise its amending power immediately after the commencement of the Constitution in 195 when successive Congress governments bent on carrying out social economic reforms particularly land reform, confronted successive Supreme Courts bent on upholding property right included in Article 19(f) of the Constitution.

Immediately after independence, when State legislation abolishing 'feudal' intermediaries (Zamindars and Jagirdars) were passed, they were blocked in the Courts by cases brought under Articles 14, 19, and 31 protecting fundamental rights *(Ramesh Thappar v. State of Madras,* 1950; *Brij Bhusan v. State of Delhi* 1950; *State of West Bengal v. Subodh Gopal,* 1954). The Parliament responded and superseded the narrow interpretation of Articles 19 and 51 by passing the Constitution (1st Amendment) Act, 1951, and the Constitution (4th Amendment) Act, 1966.

But, in *Golaknath's* case the Supreme Court by a majority of 6 to 5 overruled the previous decisions and took the view that the fundamental rights incorporated in Part III of the Constitution could be amended only by a new Constituent Assembly, not t Parliament. Parliament responded with the 24th Amendment Ac 1971, which overrode *Golaknath* by making fundamental rights amendable by Parliament. Even

then the controversy before the Supreme Court did not cease because the validity of the Constitution Amendment Act itself was challenged in the momentous case of *Keshavananda Bharati v. State of Kerala,* 1973. The Court upheld the validity of the 24th Amendment and thus reversed Gokalnath.

The net result is that: (a) Parliament can amend Fundamental Rights by an Act passed under Article 368 and (b) the validity of a Constitution Amendment Act cannot be questioned on the ground that the Act invades or encroaches upon any fundamental right.

Eventually, during the 1975 emergency, the Parliament by passing the 42nd Amendment Act, made it clear that "no amendment of this Constitution (including the provisions of Part III, i.e. the fundamental rights) can be called in question in any Court on any ground." The gate is thus opened for the exercise of tyranny by legislative majority. The Janata Government with a view to protecting fundamental rights from being amended by the mere will of Parliament inserted a clause in the 45th Constitution Amendment Bill. The clause laid down that an amendment of a fundamental right shall be made only after the Parliament's decision was approved by the people at a Referendum. This clause was, however, rejected by Congress opposition in Rajya Sabha.

(iii) Right to Equality:

In order to secure to all citizens "equality of status and opportunity" proclaimed in the Preamble, our Constitution has made generous provisions guaranteeing the right to equality. The principal rights to equality are: (1) equality before the law, including equal protection of the laws (Article 14); (2) prohibition of discrimination on grounds of religion, race, caste, sex or place of birth (Article 15); and equality of opportunity in matters of public employment (Article 16). But considering the three articles not sufficient for securing the right to equality, a further step in that direction is Article 17 which abolishes untouchability—a pernicious form of inequality prevailing in our caste-ridden society.

iv) Article 14:

Article 14 is the kingpin of the fundamental right to equality guaranteed in our Constitution. It proclaims: "**The state shall not deny to any person equality before the law or the equal protectionof the laws within the territory of India".** ' The two expressions "Equality before the law" and "Equal protection of the laws" have been taken over from the British Constitution and the American Constitution respectively. They are however in consonance with the principles contained in the Universal Declaration of Human Rights that "All are equal before the law and are entitled without discrimination to equal protection of the law."

8.3 EQUALITY BEFORE THE LAW AND EQUAL PROTECTION OF THE LAWS

The two expressions "Equality before the law" and "Equal protection of the laws" are not identical, though appear so. The expression "Equality before the law" means what Dicey meant by rule of law or concept of law. It is a "negative concept" and "equal protection of the laws is a positive one"," as said Justice Subba Rao of the Supreme Court in the case of the *State of U.P. v. Deoman* (1960). The former means that no person is above the law of the land, that no one can claim special privileges and that every person, whatever is his rank or status, is subject to the law of the land. But, as in England, our Constitution has allowed certain exceptions to the rule of equality. Certain persons such as President, Governors, Ministers, diplomats and judges enjoy special privileges.

The expression "Equal protection of laws", on the other hand, means that the laws made by the state should provide equal protection to all without any distinction. But as the Supreme Court has explained, it does not mean that all persons "shall have an absolute equality of position or status"; it means "Equality among the equals under equal circumstances". The Court has laid down that "equal protection means equal protection under similar circumstances". It means the right to equal treatment in equal circumstances, that laws should be applied to all in the same condition *(Chiranjit Lai v. Union of India,* 1951; *State of West Bengal v. Anwar Ali Sarkar,* 1952; *B. C. & Co. v. Union of-India,* 1973). In plain language, it means that as between two persons similarly circumstanced, the law shall not discriminate and the state shall not make

law favouring one person and placing another under any disadvantage. It means, as says Ivor Jennings, "among equals this law should be equal and should be equally administered and like should be treated alike".

The maxim of 'equality before law' therefore leads to the inevitability of classification. In *Chiranjit's case,* Chief Justice Das said that Article 14 "does not mean that every law must have universal application, for all persons are not by nature, attainment or circumstances in the same position. The needs of different classes of persons vary and often require separate treatment. Hence the principle of equality does not take away from the State the power to classify persons for legislative purposes". If there is any "reasonable" basis for classification, the legislature would be entitled to make a different treatment. Thus, it may exempt certain classes of property (such as Charities and libraries) from taxation at all; it may tax real and personal property in a different manner. Income-tax is another example. Article 14 thus forbids only class legislation but not reasonable classification.

In order to be reasonable, a classification must not be arbitrary, but must be rational. The classification must be based on some real and substantive distinction bearing a just and reasonable relation to the object sought to be achieved by the legislation *(R.K. Garg v. Union of India,* 1981; *Prabhakar Rao v. State of Andhra Pradesh,* 1986). Permissible classification must satisfy two conditions, namely, (i) the classification must be founded on an intelligible differences which distinguish persons or things that are grouped together from others who are left out of the group, and (ii) the differentiation must have a rational relation to the object sought to be achieved by the Act *(State of West Bengal v. Anwar Ali,* 1952; *Lachmandas v. State of Bombay,* 1952), The bases of classification may be different. It may be geographical or according to occupation or differences in time or the like *(Dhirendra v. Legal Remembrancer,* 1955; *Hati Singh Mfg. Co. v. Union of India,* 1960).

Article 14 thus, as the courts have held, **forbids class legislation but does not prohibit legislative classification based on reasonable differences.** Every differentiation is not discrimination. **Article 14 thus stands for right against discrimination and hence guarantees equality of right.**

The scope of application of Article 14 has been recently widened by the Constitution Bench of the Supreme Court. While delivering judgment in the case of *Ajay Hasia v. Khalid Mujib,* 1981, the Court gave unanimous approval to Justice Bhagawati's **new approach to Article 14.** In the words of Justice Bhagawati, "It must now be taken to be well settled that what Article 14 strikes at is arbitrariness because any action that is arbitrary, must necessarily involve negation of equality". In a previous case, *E.P. Royappa u. State of Tamil Nadu,* 1974, Justice Chandrachud and Justice Krishna Iyer had already observed, "equality andarbitrainess are sworn enemies........ Where an act is arbitrary, it is implicit that it is unequal both according to political logic and constitutional law and is therefore violation of Article 14". Concurring with this approach, Justice Bhagawati has categorically stated that any arbitrary or unreasonable action, whether of the executive or of the legislature or of any authority under Article 12, would be *per se* discriminatory and violative of Article 14.

In essence, the right to equality guaranteed in Article 14 is legal equality. **From the point of view of the individual the, right to equality is more a negative right than a positive grant.** It prohibits but not provides. It disables the authority but does not enable the individual. This negative application of the principle of equality has its own merit but it cannot secure equality in its true sense. The principle of equality guaranteed in our Constitution, as M.C.Setalvad observed, **does not enable us to enforce the "equality of status and opportunity"** aimed at by our Constitution.

i) Article 15

Article 15 prohibits the State to make discrimination as between citizens on grounds only of religion, race, caste, sex or place of birth. It further provides that no person shall on any of the aforesaid grounds be denied access to shops, hotels, public restaurants and places of public entertainment or the use of wells, tanks, bathing ghats, roads, and places of public resort maintained wholly or partly by the State funds or dedicated to the use of the general public. But if there is any other ground or consideration for differential treatment besides those prohibited by this Article the discrimination will not be unconstitutional. For instance, women may be considered

to be better fitted for the job of a nurse while they may be considered unfit for employment in mining industry.

The "anti-discrimination" principle however would not prevent the state from (a) making special provision for the welfare 'of women and children arid (b) making special provision for the advancement of socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes (Clauses 3 & 4). This exception does not violate the principle of equality; rather it makes the principle of equality more equalised. For equality among the unequals only perpetuates inequality. The persistence of gross inequalities between castes and communities, and between the sexes cannot be removed simply by guarantee of legal equality. Social equality is to be promoted. The validity of certain measures undertaken by the Government has been upheld by the Supreme Court *(Yusuf Abdul Aziz v. State of Bombay,* 1954; *State of Madras v. Champakan V. Dorairajan,* 1951). However, the Court also held that the special provisions which the state would make should not be arbitrary or unreasonable *(N. Vasundara v. State of Mysore,* 1971).

ii) Article 16:

Article 16 guarantees equality of opportunity to all citizens in matters of employment to all office under the State. This right is also qualified by the provisions that the State can make special reservations and safeguard for the representation of the Scheduled Castes and Tribes and other backward classes of society in public employment. Positive discrimination is considered to be necessary in our society where the most striking inequality is based on caste. It will increase overall equality.

iii) Article 17

To promote and ensure social equality the Constitution provides for the abolition of the age-old social evil of 'untouchability' and for prohibition of conferring titles by the state. Article 17 declares that any act arising out of untouchability shall be an offence and pumsKable in accordance with law. Parliament has enacted the Untouchability (Offences) Act, in 1955, which has been amended and renamed in 1976 as the Protection of Civil Rights Act.

Article 17 and the Protection of Civil Rights Act can do something to change the social atmosphere in which untouchables live, but such measures cannot by themselves secure fully their right to equality.

Assessment

In summary, the equality provisions in our Constitution are much stronger and more extensive than any other Constitution of non-socialist countries. In essence, these provisions relate on the one hand to equality before the law and, on the other, to equality of opportunity. But the right to equality is an individual right. It grew, as historians and political scientists have shown, in the Western industrialised societies with the growth of individual autonomy While guaranteeing this right, the founding fathers of the Constitution recognised the fact that traditional Indian society is structured and supported by both classical and customary law, in terms of privileges and disabilities of groups rather than the rights of individuals. The most striking inequalities in traditional Indian society were those based on castes and gender. Considering the continuing hold of the traditional hierarchy and gross disparities between castes and communities, and between the sexes, over a large part of the society the Constitution-makers rightly thought that the mere guarantee of the right to equality would not remedy all the traditional disparities and make that right secure. Hence they made exceptions to the individual right to equality in order to promote social equality (Articles 15, 16 and 17). Since the adoption of the Constitution, two major instruments of the policy for greater equality have been employed by the State: agrarian reforms and quotas in education and employment, etc. Such policies have been designed to bring about greater equality overall. However, it would be unreasonable to expect that all the accumulated disabilities of the backward and deprived sections of the society would disappear as a result of one or two pieces of legislation, or of legislation alone, without corresponding changes in the economy and society.

8.4 RIGHT TO FREEDOM (ARTICLES 19-22)

In order to promote the ideal of liberty held out by the Preamble, our Constitution has conferred upon the citizens of the country certain fundamental rights in Articles 19 to 22:

1. Six fundamental rights in the nature of freedoms (Article 19)
2. Protection in respect of conviction for offences (Article 20)
3. Protection of life and personal liberty (Article 21)
4. Protection against arbitrary arrest and detention (Article 22)

The most important of these is Article 19 containing six fundamental rights, popularly called "Six Freedoms".

8.4.1 Six Freedoms (Article 19):

Article 19 of the Indian Constitution specifically guarantees to Indian people six basic rights, popularly known as the "Six Freedoms" (originally "Seven Freedoms"). It may be said to epitomise the essential hallmark of freedom of any citizen of a free country. It forms the core of the Chapter on Fundamental Rights. Article 19, Clause 1, states that all citizens shall have the rights to : (1) freedom of speech and expression; (2) freedom of assembly; (3) freedom of association; (4) freedom of movement through Indian territory; (5) freedom of residence and settlement in any part of the country; (6) freedom of profession, occupation, trade or business. - But the scope of the guarantee has been defined by limitations contained in Clauses (2) to (6) of the Article itself. In other words, the Indian citizens' right to any freedom is not absolute.

8.4.2 Nature of rights that are guaranteed:

i. It appears that Article 19 is confined to what is known as civil rights as distinguished from political rights, such as the right to vote or to hold any political office.
ii. Article 19 refers to what are known as natural or common law rights as distinguished from rights which are created by an Act of the Legislature and must be exercised subject to conditions imposed by it.
iii. Where a right is created by a legislative Act it can be taken away by the Legislature. But a "fundamental" right cannot be taken away by the Legislature. The Legislature can impose restrictions only as are permitted by the Constitution itself *(Ebrahim u. Mohammed,* AIR 1980 SC; *Pannalal v. Union of India,* AIR 1957 SC 397).

iv. A contractual right or a right based on a settlement between the parties is not guaranteed by our Constitution and hence cannot be enforced as a fundamental right *(Nachane v. Union of India,* 1982 SC) Briefly stated, Article 19(1) guarantees "those great and basic rights which are recognised and guaranteed as the natural rights inherent in the status of a citizen of a free country" *(State of West Bengal v. Subodh Gopal,* 1954 SC). Accordingly, it does not include a right to burn a copy of the nation's Constitution.

8.4.3 Particular Freedoms:

i) Freedom of speech and expression:

This freedom means the right to express one's convictions and opinions freely in whatever manner these can be expressed or communicated to others; by word of mouth, writings, printing, picture, or electronic media, as the Supreme Court explained in *L.I.C. v. Manubhai,* A. 1993. In other words, **freedom of expression includes** (as the Supreme Court said in *Romesh Thapar v. State of Madras,* 1950) **"the right to freedom of propagation of ideas, their publication and circulation as well as freedom of the press"** *(Express Newspapers v. Union of India,* AIR 1958 SC). It gives this minority community and the non-conformists the right to disagree, discuss and debate. Freedom of speech and expression is thus very wide for it covers all the retirements which are necessary for the enjoyment of this right. Without it a democratic polity cannot exist. The core of democracy is choice and choice cannot be made unless there is freedom for discussion of political as well as other matters. To quote Justice Patanjali Sastri, "Freedom of speech and of the press lay at the foundation of all democratic organisations, for without free political discussion no public education, so essential for the proper functioning of the process of popular government, is possible". Hence any imposition of free censorship on a newspaper *(Brij Bhushan v. Delhi)* or prohibiting a newspaper from publishing its views or those of its correspondents on topical issue of the day would constitute a violation of the right to freedom of speech and expression *(Virendra v. Punjab,* 1957). This freedom is, however, not absolute and unrestrained.

Grounds of restrictions- Clause (2), as amended, enables the Parliament to impose "reasonable restrictions" upon the freedom of speech and expression on the following grounds:

a. Sovereignty and integrity of India.
b. Security of the State.
c. Friendly relations with foreign States,
d. Public order.
e. Decency or morality.
f. Contempt of Court.
g. Defamation.
h. Incitement to an offence.

So, the freedom of speech and expression does not give a citizen the right to propagate for secession and violence, to commit illegal or immoral acts or to incite others to overthrow the established government by force or unlawful means or to interfere with the due course of justice.

ii) Freedom of Assembly:

The citizens have the right to meet each other in any number for social, political, religious or cultural purposes provided the assembly is (1) peaceable and (2) unarmed. This right also includes the right to hold public meetings or take out processions or organise demonstrations. This right is also not unrestrained.

Grounds of restriction: Clause (3), as amended, enables the Parliament to impose "reasonable restrictions" upon the freedom of assembly on the following grounds:

a. Sovereignty and integrity of India.
b. Public order.

So the freedom of assembly does not give citizens the right to hold a meeting anywhere as they please or to take out a procession along public streets hindering the rights of the public to use the street as a passage. But the state cannot prohibit assembly on every public street or public place *(Himmat Lai v. Police Commr.,* A. 1969 S.C.).

iii) Freedom of Association:

Citizens are guaranteed the right to form associations or unions. This freedom includes not only the right to start an association but also to continue it *(Kulkami v. State of Bombay,* 1964 SC; *Damayanti v. Union of India,* 1971 SC), or refuse to be a member of an association if a citizen so desires. (The right to form associations or unions includes associations for any lawful purpose, e.g. trade unions and Government servants are not excluded from its protection. Since the right to form a union belongs to all workforce, every workman under an employer has the freedom to form a union of his own choice and to refuse to become a member of any union he does not like. This freedom is not unlimited.

Grounds of restrictions. Clause (4), as amended, enables the State to impose "reasonable restrictions" on the freedom to form associations or unions in the interests of:

a. Sovereignty and integrity of India
b. Public order
c. Morality.

So there is complete liberty to form associations like political parties, societies, clubs, companies, trade unions, etc., for lawful purposes subject to reasonable restrictions.

iv) Freedom of movement:

It means that every citizen has the right to move freely from one part of Indian territory to another, without any kind of barriers between one State and another, or between different parts of the same State. This right is also not absolute.

Grounds of restrictions. The State can impose "reasonable restrictions" upon freedom of movement in the interests of the general public or for the protection of Scheduled Tribes.

v) Freedom of residence:

Every citizen has the right to reside and settle in any part of the country. The object of this freedom is the same as the freedom of movement, that is, to remove internal barriers within India in between any of its parts. This freedom is not unlimited.

Grounds of restrictions. The State may impose "reasonable restrictions" on this right on grounds of general public interest, or in the interest of Scheduled Tribes. Thus passport regulations for entry from abroad can be reasonably imposed even upon citizens of India; sex workers may be required to reside in particular areas *(State of U.P. v. Kaushalya,* 1964).

vi) Freedom of Profession, Trade, Business:

Every citizen has the right to choose his own employment, practice any profession or carry on any trade or business. But this freedom does not include the right to carry on as a -trade or business certain activities 'which are inherently pernicious, e.g. betting and gambling; dealing in intoxicants (*Bennett Coleman v. Union of India,* 1986).

Grounds of restrictions. Clause (6) enables the State to impose "reasonable restriction" upon this freedom on the following grounds:

a. In the interests of the general public.
b. The State may by law stipulate conditions for carrying on any profession (e.g. the right to practice before a Court of law) or technical qualification for carrying on any occupation, trade or business.
c. The State may make a law to enable it or a Corporation (owned or controlled by the State) to carry on any trade or business and exclude the citizens from these areas, completely or partly.

8.4.4 Critical Evaluation of Six Freedoms:

From a reading of the limitations imposed upon the "six freedoms" guaranteed in Art. 19(1) one may conclude that the Constitution gives the citizen with one hand a lot of freedoms and takes these away with another. Such a conclusion is however wrong. There cannot be any such thing as absolute or uncontrolled liberty wholly free from restraint for that would lead to anarchy and disorder. As the Supreme Court Justice Mukherjee explained in *Gopalan v. State of Madras,* (1950): Liberties of the individual must be subject to *reasonable* conditions as the governing authority of the country deem to be essential to the safety, health, peace, general order and morality of the community. At the same time there cannot be absolute social control without

stunting the development of the individual. **What the Constitution, therefore, attempts to do is strike a balance between individual liberty and social control** *[Collector of Madras v. Sampathu* (1962), SC; *Kochuni v. State of Madras* (1960) SC]. Article 19 of the Constitution gives a list of individual liberties and prescribes in the various clauses the "reasonable restrictions" that may be placed upon them by law so that they may not conflict with public welfare or general morality. But what is "reasonable" restriction is to be ultimately determined by the Court. If the Court - finds the restriction unreasonable it will declare the law to be unconstitutional and void [*Quareshi v. State of Bihar,* (1958) SC].

The **principles** laid down by the Court **for determining the reasonableness of the restrictions** are:

i. The restriction to be reasonable must be related to one of the grounds set out in the limitation clauses (2)-(6).
ii. The restriction must be reasonable from the substantive as well as procedural standpoint *(Khare v. State of Delhi,* 1950). That is to say, in order to be reasonable "the restriction must not be arbitrary or excessive, and the procedure or the manner of imposition of the restriction must also be fair and just".
iii. The restriction must have a rational connection with the object which the legislation seeks to achieve. In other words, it must not be excessive. A restriction is reasonable and not excessive only when there is a proper balance between the freedom of the individual and the rights of society (*Dwarka Prasad v. State of U.P.,* 1954; *Chintamanrao v. State of M.P.* 1952; *State of Maharashtra v. Himmatbhai,* 1970).
iv. Whether a restriction on a freedom imposed by legislation is reasonable or not must depend upon the circumstances existing when that legislation was enacted *(State of Madras v. Row,* 1952; *Laxmi v. State of U.P.,* 1981).

Thus while the State has the constitutional right to impose "reasonable restrictions" on freedoms of the individual, the "reasonableness" of such restrictions can always be tested in the Court of law. The Court will give its verdict on the basis of the above principles. It is the Court which is the final authority to say where the freedom of the individual ends and the power of the State to protect collective interests begins. In other words, the Court will decide whether the restrictions imposed strike a balance between the rights of the individual and those of the society. If the Court finds that the restriction imposed by a law is unreasonable it will declare the law unconstitutional and void. It is then reasonable to_ conclude that though the Constitution has given the legislature the power to legislate at its will and make the citizen "unfree", the rights are broadly free enough from legislative aggression.

8.5 PROTECTION IN RESPECT OF CONVICTION FOR OFFENCES (ARTICLE 20)

Article 20 guarantees protection in certain respects against conviction for offences, by prohibiting—

1 Retrospective criminal legislation;
2 Punishment for the same offence more than once ("double jeopardy").
3 Compulsion of the accused person to be a witness against himself.

Article 20 says that (a) no person shall be convicted of an offence except for violation of law in force at the time of the commission of the act charged as an offence nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence; (b) no person shall be prosecuted or punished for the same offence, more than once; (c) no person accused of any offence shall be compelled to be a witness against himself. This Article thus safeguards the rights of a person against arbitrary or excessive punishment. The right guaranteed by Article 20 cannot be suspended even during emergency by an order under Article 359.

8.6 FREEDOM OF PERSON OR PERSONAL LIBERTY (ARTICLE 21)

Article 21 of our Constitution provides that *"No person shall be deprived of his life or personal liberty except according to the procedure established by law"*. It means that a person can be punished, imprisoned, or subjected to physical coercion

by the State or any of its agents only if there is a law to support such action and the procedures stated in such law have been "strictly and scrupulously" observed.

8.6.1 Object of Article 21:

i. The object of Article 21 is to prevent the executive from interfering in personal liberty save in accordance with law, and in conformity with the provisions contained therein *(Gopalan v. State of Madras,* 1950).

   Before a person is deprived of his life or personal liberty the procedure established by law must be strictly followed and must not be departed from to the disadvantage of the person affected *(Naranjan v. State of Punjab,* 1950; *Maki Singh v. State of Punjab,* 1952).

ii. Until 1978 decision in the case of *Maneka Gandhi v. Union of India,* the Supreme Court was of the opinion that Article 21 is only a guarantee against executive action unsupported by law *(Gapalan's case).*

iii. But in the *Maneka's case* the Court overturned the decision in the *Gopalan's case* and laid down that it imposed a limitation upon law-making as well, namely, that while prescribing a procedure for depriving a person of his life or personal liberty, it must prescribe a procedure which is "reasonable, fair and just."

iv. In each case where a person complains that he has been deprived of his life or personal liberty, the Court shall exercise its constitutional power of judicial review. However, in the exercise of this power, the Court will decide (a) whether there is a law which authorises such deprivation and (b) whether, in the given case, the procedure stated in such law is reasonable, fair and just, and not arbitrary, whimsical and fanciful (*Francis Coralie v. Union Territory of Delhi,* 1981).

8.6.2 Scope of Article 21:

I. Article 21 does not apply where a person is detained by a private individual and not by or under authority of the state.

II. But all persons, not merely citizens, are covered by the provision of this Article. Even persons under imprisonment (as regards restriction imposed in

jail) are not excluded *(State of Maharastra v. Probhakar 1966, Sunil v. Delhi Admn.* 1978). It also applies to preventive detention, under Article 22.

III. The *Maneka's case,* which overturned the decision in the *Gopalan's case,* laid down that the expression "personal liberty" in Article 21 is sufficiently broad to include freedoms guaranteed in Article 19. Hence the validity of a law coming under Article 21 must be tested also with reference to Article 19. That is to say, in order to be valid, a law which comes under Article 21 must also satisfy the requirements of Article 19.

IV. Right to life, enshrined in Article 21, does not merely mean survival or animal existence. It would include, as the Supreme Court explained in several cases, the right to live with human dignity (e.g. the right not to be subjected to "bonded labour or to unfair conditions of labour"). In *Sunil Batra v. Delhi Administration* (1978), the Court held that the right to life under Article 21 included the right to live with human dignity and decency. In *Bandhu Mukti v. the Union of India* (1984), it ruled that protection of health" and facilities for children to develop in a healthy manner in conditions of freedom and dignity, educational facilities fell within the purview of Article 21.

In the *People's Union for Democratic Rights v. Union of India* (1982), the Supreme Court held that non-payment of minimum wages to the workers amounted to denial of their right to live with basic human dignity and violated Article 21. In the famous *Pavement Dwellers' case* (1986), the Court observed that the word "life" in Article 21 included the "right to livelihood" for if the right to livelihood was not treated as a part of the constitutional right to life, the easiest way of depriving a person of his right to life would be to deprive him of his means of livelihood. In *Sankar Banerjee v. Durgapur Project Limited.* (1988), the Court held that compelling a person to live in sub-human conditions also amounts to the taking of his life, not by execution of a death sentence but by a slow and gradual process of robbing him of all human qualities, a process which is much more cruel than sending a person to the gallows. Again on 7 June, 1993 the Court reiterated that the right to life under Article 21 included the right to livelihood. The order of termination of an employee's service endangered "not only his livelihood but also career and livelihood for his dependents

(D. K. Yadav v. JMA Industries Ltd.) It would include all those aspects of life which go to make a man's life meaningful, complete and worth living; e.g. his tradition, culture, heritage, and protection of the heritage in its full measure *(State of Maharastra v. Chandrabhan,* 1983; *Ramsharen v. Union of India,* 1989).

I. 'Personal Liberty' primarily means freedom from physical restraint of person by incarceration or otherwise *(Gopalan's case).* But in the case of *Kharak Singh v. State of U.P.* (1963), the Supreme Court laid down that "personal liberty" includes all the rights which go to make up a man's personal liberties other than those included in Article 19; e.g. the right to travel abroad and to return to India, right of a prisoner to a speedy trial, etc. As a result of such liberal interpretation of the words "life" and "liberty", Article 21 has now come to be invoked as a "residuary right". Thus "public interest" petitions have been founded on Article 21, covering varied aspects as—health hazard due to pollution, handcuffing of prisoners, starvation deaths, the right to know, immediate medical aid to injured persons.

Thus the Supreme Court in its various rulings has enlarged the ambit of Article 21. Even the Court has imposed positive obligation upon the State to take steps for ensuring to the individual a better enjoyment of his life and dignity as—maintenance and improvement of public health, elimination of water and air pollution, rehabilitation of bonded labourers, providing human conditions in prisons.

II. Prior to the 44th Constitution (Amendment) Act, during the Proclamation of Emergency the President could by order suspend the right to move the Court for enforcement of the right to life and personal liberty. This was done in 1975. The 44th Amendment Act has deprived the President of such power.

8.7 RIGHT AGAINST ARREST AND DETENTION (ARTICLE 22)

Article 22 of the Indian Constitution guarantees an important right because it is connected with personal freedom or personal liberty guaranteed in Article 21. According to Article 21, the executive can deprive a person of his liberty by arresting and detaining him in accordance with the procedure established by law. But the executive may abuse its powers. Article 22 therefore provides certain safeguards against arbitrary arrest and detention. These safeguards are : (1) The man in custody

must be informed, as soon as possible, of the grounds for such arrest *(Madhu v. State of Punjab,* 1959); otherwise the detention will be unconstitutional even if his initial arrest was lawful and valid *(State of Bombay v. Atma Ram,* 1951). (2) The arrested person shall have the right to consult a legal practitioner of his own choice for his defence. (3) A person in police custody must be produced before the nearest magistrate within a period of 24 hours, and no such person shall be kept in police custody beyond the said period without the authority of the magistrate.

These constitutional rights against arbitrary arrest and detention however are not available to (i) an enemy alien andpersons arrested and detained under a law of preventive detention.

i) Preventive Detention:

Article 22 empowers Parliament to enact "preventive detention laws", that is, it laws providing for "detention of a person without trial". The object of preventive detention is prevention and not punishment. Preventive detention is thus different from punitive detention. The object of punitive detention is to punish a person for committing a crime but the purpose of preventive detention is to prevent a person from doing it. Under preventive detention a person is detained on the suspicion that he is going to do something wrong. As Lord Finley in the case of *Rex v. Haliday* observed, "preventive detention is not a punitive but a precautionary measure". Under Article 22 Parliament can enact "preventive detention laws" for the following reasons : the security of the state, the maintenance of public order or the maintenance of supplies and services essential to the community, defence and foreign affairs. So the Indian Parliament can make a law providing that a person should be detained or imprisoned without trial for any of the above reasons and the Court shall have nothing to do for the protection of his personal liberty.

Safeguards relating to preventive detention. In order to prevent the abuse of the above power by the executive, the Constitution provides certain safeguards in Article 22 itself. These safeguards after the 44th Amendment, 1978, are:

i) When a person has been arrested under a law of preventive detention the Government can detain him in custody for a period of 2 months. If the Government desires to extend the period of detention, it must seek the

recommendation of an Advisory Board constituted for this purpose. The Advisory Board is however not a judicial body and its recommendation is not binding on the Government *(Shibbanlal Saksena v. The State of U.P.,* 1954). It is also provided that Parliament has the power to prescribe by law the maximum period for which a person may be "detained under the law of preventive detention. (ii) The detaining authority shall, as soon as possible, inform the detenu of the grounds of his detention. However the Government may not disclose the facts which are considered by it "against the public interest". (iii) The detenu must have the earliest opportunity of making representation against the detention order.

A law of preventive detention must satisfy all the conditions stated in Article 22. If it violates any of these conditions, the Court will declare the law invalid. Again, if an order of detention issued by the executive violates any of those conditions, it will be declared illegal by the Court and the detenu shall be set free. Following *Cooper's case* (1970), it has also been held in some cases that a law under Article 22 must also pass the test of reasonableness under Article 19(l)(d).

ii) Critical Evaluation:

Needless to say, **the provision of preventive detention is rather anomalous in a chapter of the Constitution which guarantees fundamental rights and "so incompatible with the promises of its Preamble".** Preventive detention is, by nature, antithetical to democratic ideas, and no such law exists in the United States or Britain in time of peace. Our Constitution empowers the legislature to make laws for preventive detention irrespective of war or emergency. It is, as Patanjali Sastri, C.J. observed "a serious inroad of personal liberty". The Chief Justice also said that the safeguards provided against the improper use of power are 'meagre'.

The founding' fathers of our Constitution realised it but they considered preventive detention as a necessary evil. At the time of the making of the Constitution various anti-social, communal and subversive forces had been threatening the very existence of the Indian Republic which was being born. To save the infant Republic from the attacks of these forces, this power had to be given with certain safeguards. If the

safeguards are violated a person can approach the Court for appropriate remedy. There are a number of cases in which the courts have nullified orders of preventive detention, in proceedings for *Habeas Corpus*.

The law of preventive detention was made by the Indian Parliament, for the first time, in 1950, in the wake of communist- led peasant uprising in the region of Telengana. Though enacted for a period of one year only as an experimental measure, its term was extended several times till 1969.

In 1969 the minority Government of Mrs.Indira Gandhi allowed the Preventive Detention Act to lapse to win the support of the leftist parties who dubbed the Act as "Black law". In 1971, however, the President issued the Maintenance of Internal Security Ordinance (later converted into Act) as the anarchist forces revived inside the country and developments across the border became threatening to the defence and security of the nation. The MISA was grossly misused during the days of "Internal Emergency". In 1974 the Parliament passed the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (commonly called COFEPOSA), in order to fight anti-social activities like smuggling, racketeering in foreign exchange and the like. In 1977 the Janata Government on coming to power abolished MISA but did not repeal COFEPOSA on the ground that it did not relate to political detention.

In 1980 after the former Prime Minister Indira Gandhi formed the Government, Parliament enacted the Prevention of Blackmarketing & Maintenance of Supplies of Essential Commodities Act and the National Security Act.

In addition, some States (Gujarat, Maharashtra, Andhra Pradesh) have enacted laws for preventive detention to curb various types of anti-social and dangerous activities.

Preventive detention seems to be "a feature of Indian life" (in the words of G.Austin). The National Security Act, however, made some improvement on the previous Acts, providing that: (i) the detenu must be informed of the grounds of detention within 5 days or 10 days in an exceptional situation, (ii) the opinion of the Advisory Board must be sought; (iii) the person can be detained for one year.

State necessity is, indeed, paramount. There cannot be anything more valuable than national security and defence of the state. But the law of preventive detention is, to quote Granville Austin, "a dangerous potential for liberty". Hence it should be used with extreme caution. It is a dangerous weapon and should be used to deal with really dangerous situation. The governing authority should try to resist the temptation of using it against its political rivals, the opposition. It should be used "primarily as a psychological deterrent in the fight against subversive activities throughout India".

8.8 RIGHT AGAINST EXPLOITATION (ARTICLES 23-24)

Articles 23 and 24 of the Constitution have guaranteed two rights under the omnibus term "Rights against Exploitation". Article 23 forbids traffic in human beings and beggars or similar forms of forced labour and Article 24 prohibits child labour. The two Articles therefore do not aim at the complete abolition of exploitation of man by man in all forms. They are merely symbolic of the national objective, proclaimed in the Preamble, of the people of India to establish a "just" social order. They aim at preventing exploitation of the weaker sections of the Indian society by unscrupulous individuals or even by the state. Thus the two rights are of a limited character but are important in that they invest the members of weaker sections with the dignity of the individual.

Article 23 prohibits "traffic in human beings" and beggars and other similar forms of forced labour. Though the Constitution does not define the term "traffic in human beings", according to the decisions of the courts, it includes prohibition not only of 'slavery' but also of traffic in women or children or the crippled, for immoral or other purposes *(Dubar v. The Union of India,* 1952; *Sanjit v. State of Rajasthan,* 1953; *People's Union v. The Union of India,* 1982). These are all specific forms of exploitation and constitute a serious challenge to human freedom and civilisation.

Beggar and other forms of forced labour are also prohibited. But forced labour as a part of punishment for a criminal offence is not prohibited. Nor any scheme of compulsory military training or even that of conscription for public purposes be taken to be case of forced labour.

Article 24 prohibits employment of children below 14 years of age in any factory or mine or in any other hazardous jobs. This article which aims at protecting children for inhuman exploitation is absolute.

It may however be stressed that mere constitutional prohibitions and the laws relating to them have not been able to eradicate the evils after 47 years of the introduction of the Constitution. Traffic in women, forced labour and child labour are still prevalent in our country. Without national socio-economic development, without eradication of poverty, the rights guaranteed in Articles 23-24 cannot be realised in practice.

8.9RIGHT TO FREEDOM OF RELIGION (ARTICLES 25-28)

The guarantee of the right to freedom of religion as a fundamental right in Articles 25 to 28 not only constitutes the *sheet anchor of a secular state* but also realises the "liberty of thought, expression, belief, faith and worship" proclaimed in the Preamble. A "Secular State" is one which observes an attitude of neutrality and impartiality in all matters affecting of religion. This does not mean that the state is irreligious or anti-religious. It means that the state will not grant preferential treatment to any religion; all religions are equal in the eyes of the state. This attitude of impartiality towards all religions prevailing in our country is secured by the Constitution by several provisions (Articles 25-28). The Constitution (42nd Amendment) Act, by inserting the word 'secular' in the Preamble, highlights the secular nature of our state. India has no "State Religion".

Though the state is neutral in religious affairs, it does not mean that it shall remain indifferent to the effects that religion can produce in the socio-economic sphere. The individual's right to religion is, therefore, like other rights, cannot escape state control. But what is required is that the restriction is imposed on the ground other than religion. Here also a balance is to be maintained between individual right and social- control.

8.10 FREEDOM OF CONSCIENCE AND RELIGION (ARTICLE 25)

i) Article 25 gives everyone in the country "Freedom of Conscience" and "right freely to profess, practice and propagate religion". But this right is subject to restrictions imposed by the state on the following grounds *(Ratilal v. State of*

Bombay, 1954 S.C.): (a) public order, morality and health; (b) regulation of non-religious activity (e.g. economic or political) associated with religious practice; (c) social welfare and reform; (d) throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus. The word "Hindu" is defined to include both the Sikhs and the Budhists.

ii) Since each man has the same freedom of conscience, no religious community has the right to convert a person to its religion by means of force, fraud, inducement or allurement *(Stainislaus v. State of MP,* 1977). The expression **'propagate'** as defined in the Oxford Dictionary means "to spread from person to person or from place to place to disseminate, diffuse" (a statement, belief, practice, etc.). According to *Century Dictionary* Vol. VI, 'propagate' means "to spread or transmit from person to person or from place to place, carry forward or onward; diffuse; extend, as to propagate the Christian religion". The Supreme Court judgement on the Orissa and Madhya Pradesh Bills on Freedom of Religion in 1977, quoting these words, observed: "We have no doubt that it is in this sense that the word 'propagate' has been used in Article 25(1), or what the Article grants is not the right to convert another person to one's own religion, but to transmit or spread one's religion by an exposition of its tenets. It has to be remembered that Article 25(1) guarantees 'freedom of conscience' to every citizen and not merely to the followers of one particular religion, and that, in turn, postulates that' there is no fundamental right to convert another person to one's own religion because if a person purposely undertakes the conversion of another person to his relgion, as distinguished from his effort to transmit or spread the tenets of his religion, that would impinge on the freedom of conscience guaranteed to all the citizens of the country alike... What is freedom for one, is freedom for another, in equal measure, and then there can therefore be no such thing as a fundamental right to convert any person to one's own religion". Thus, according to the Supreme Court's judgement, conversion which is by an individual's own wish, on his/her own free will, is not opposed to Article 25(1) but forcible conversion is. The Freedom of Religion Bills of Orissa, Madhya Pradesh and Arunachal Pradesh provided for prohibition of conversion from one religion to another by force, fraud, inducement or any kind of allurement.

iii) The state may restrict or ban performance of activities in public in the interest of "public order and morality". In the *Anand Margi* case the right to perform *Tandav* dance with lethal weapons and human - skulls in a public procession was held to be not an essential religious practice and the banning of the procession in the interest of 'public order and morality' was considered a reasonable restriction *(Jagdishwaranand v. Police Commissioner,* 1984). Similarly, the Supreme Court held that cow slaughter on *Bakrid* was not an essential practice of Islam and could therefore be prohibited by law in the interest of public order *(Mohmd. Hanif Quereshi v. State of Bihar,* 1958). In several cases since 1954, the Supreme Court also held that secular activities associated with religious practice can be regulated by the state as these are non-essential aspects of religion or, for example, matters of secular administration of religious properties which must be handled in accordance with law.

iv) Subject to the above limitations, every person in India has the fundamental right to practice and propagate not only matters of faith or belief but also of those rituals and observations which are enjoined or sanctioned by his religion.

8.11 FREEDOM TO MANAGE RELIGIOUS AFFAIRS (ARTICLE 26)

While Article 25 guarantees freedom of religion to the individual, Article 26 gives the freedom to every religious group or denomination in India-

a. to establish and maintain institutions for religious and charitable purposes;
b. to manage its own affairs in religious matters;
c. to own and acquire movable and immovable property;
d. to administer such property in accordance with law. The state, however, can interfere with these rights in the interest of public order, morality and health within reasonable limits.

The word "denomination" has been defined to mean "a collection of individuals classed together under the same name; a religious sect or body having a common faith and organisation and designated by "a distinctive name" (*Commr., H.R.E. v. Lakshmindra,* 1954, S.C.)

8.12 FREEDOM TO PAY TAXES FOR PROMOTION OF ANY RELIGION (ARTICLE 27)

Article 27 deals with "freedom of not paying taxes for any religion". It says that no person shall be compelled to pay taxes the proceeds of which are utilised for the benefit of any particular religion or denomination. This article however does not prevent the state to levy a 'fee' for defraying of expenses of the state for regulating the secular administration of religious institutions to ensure their proper administration. The state can also impose taxation for reconstruction of religious and educational institutions damaged by a communal riot.

8.13 FREEDOM AS TO ATTEND RELIGIOUS INSTRUCTIONS IN EDUCATIONAL INSTITUTIONS (ARTICLE 28)

Article 28 prohibits religious instructions in educational institutions wholly maintained out of state funds. But it does not prevent religious instructions in educational institutions of other denominations. However such instructions must not be imposed upon any person of other religion without his consent. Article 28 thus seeks to strike a compromise between two considerations:

(i) On the one hand its purpose is to prevent exploitation of society in the name of religion, and the conflict between different religious dogmas and different schools within the same religion which have been harmful to the society. (ii) On the other hand, religion forms the basis of the entire morality and culture of the society in India. Hence the state, though a secular one, cannot bar religious instructions altogether.

Apart from the right to religion guaranteed in Articles 25 to 28 there are certain general provisions (Articles 15, 16, 29, 30 and 325) which are aimed at ensuring the effectiveness of the above guarantee. These provisions are in the nature of limitations upon state action' as they prohibit discrimination by the state on the ground of religion alone:

I. The state shall not discriminate as between citizens in any matter, and, in particular in the matter of public employment, only upon the ground of religion.

II. Discrimination on ground of religion as regards (a) access to or use of public places and (b) admission into any educational institution maintained or aided by the state is banned.

III. To protect the cultural and religious interests of a minority religious community, the Constitution lays down that—

(a). the state shall not impose upon it any culture other than the community's own culture; (b) such community has the, right to establish and administer educational institution of its own choice. While granting aid to educational institutions the state shall not discriminate against such an educational institution maintained by a minority community on the ground that it is managed by a religious community (Article 30).

The sum total effect of all provisions relating to religion is that India is a secular democracy. The right to religion is effectively guaranteed though this right is subject to the needs of social welfare, social reform, morality and public order. For example, where conflict arises between the religious practice and the needs of social reform, the religion must yield. As Dr.Ambedkar explained in the Constituent Assembly, "the conception of religion in this country is so vast as to cover every aspect of life from birth to death. If the state were to accept this conception of religion, the country would come to a standstill in regard to reforms". But the restrictions imposed by the state must not be arbitrary or excessive. The zeal for social reform must not give an administrative authority a discretionary power to determine a religious matter. Religious practices or dogmas which stand in the way of the country's progress as a whole may be eradicated but without attacking the basic tenets of the religion. The state cannot 'reform' a religion out of existence.

It cannot attack, in the name of social reform, the basic and essential practices of a religion which is guaranteed by Article 25 itself. But the test of determining what constitutes the essence of a religion, as the Supreme Court has observed, is not an easy test *(Lakshmindra Swamira's case,* 1952)

8.14 CULTURAL AND EDUCATIONAL RIGHTS (ARTICLES 29-30)

The Constitution by its several provisions (Articles 29 and 30) have guaranteed to all citizens, minorities in particular, cultural and educational rights. The guarantee of these rights as fundamental rights has been very important in view of the heterogeneous composition of the Indian population in respect of culture, language and religion. The object of these rights is to enable the various minorities, religions, racial and linguistic groups, to preserve their collective identities or ways of life, specially their language and cultural distinctiveness.

Article 29(1) lays down that any section of the Indian citizens having a distinct language, script or culture of its own shall have the fundamental right to protect the same. This means that if there is any cultural minority which wants to preserve its own language and culture, the state by its law shall not impose upon it any other culture and language belonging to the majority of the locality. It is obvious that this provision gives protection not only to religious minorities but to linguistic minorities.

Article 29(2) provides that no citizen shall be denied admission to any state-owned or state-aided educational institution on grounds only of religion, race, caste, language, or any of them. This provision seeks to protect not only religious minorities but also local' or linguistic minorities by banning discrimination on grounds specified in matter of admission to state-owned and state-aided educational institutions.

Then Article 30 says that all minorities whether based on religion or language shall have the fundamental right to establish and maintain educational institutions of their choice. The state, while granting aid to educational institutions, shall not discriminate against an educational institution on the ground that it is managed by a minority whether religious or linguistic. The property of educational institutions managed by a minority cannot be acquired by the state without payment of such compensation as would safeguard their right-to-exist.

Thus the cultural and educational rights guaranteed in Articles 29 and 30 give protection to all minority communities in India, whether religious, linguistic, or otherwise. The right of a minority, whether cultural or linguistic is protected. A minority community can preserve its culture and language by means of running

educational institutions and giving instructions to the children of its own community in its own language *(State of Bombay v. Bombay Education Society,* 1955).

The promotion of Hindi as the national language or the introduction of compulsory primary education cannot be used as a device to take away the linguistic safeguard of a minority community as guaranteed by Articles 29-30. This has been decided by the Supreme Court in *State of Bombay v. Bombay Education Society* (1955) and *Re. Kerala Education Bill* (1968). Further, the right to preserve a language, as the Supreme Court in *Jagdev Siwyh. " Pratap Singh* (1965) has ruled, "includes the right to agitate for the protection of that language, including political agitation. It is an absolute right and cannot be subjected to a reasonable restriction like the rights enumerated in Article 19(1)". But the Supreme Court has ruled in the case of *State of Kerala* v. *Mother Provincial* (1970) as well as in *St. Xavier's College v. State of Gujarat* (1974) that minority institutions protected under Article 30 are subject to the state regulation to prevent maladministration and to ensure a proper standard of education. Article 30 cannot be, as the Supreme Court in the case of *Lily Kurian v. St. Lewins* observed, "a charter for maladministration". But state regulation must not be such as to destroy the safeguards given to a minority.

8.15 RIGHT TO CONSTITUTIONAL REMEDIES (ARTICLE 32)

The Indian Constitution has granted the citizens of the country a number of fundamental rights in Part III, but a mere declaration of fundamental rights is not enough unless there is a means to make them effective. The Government may illegally curb a right of the citizen or the legislature may restrict or take away a right of the individual. If the individual has no remedy against state action, rights of the individual become unreal and meaningless. "Where right is, remedy there must be". A right without a remedy is built on sand. The Constitution must therefore provide for the enforcement of rights by the courts of the country. In other words, the judiciary of the country must possess certain instruments by which it can enforce fundamental rights against any authority in the state, on the application of an individual whose right has been violated, and thus compell the Government to obey the Constitution.

Article 32 of our Constitution provides that machinery by stating clearly that —

I. Every person shall have the right to move the Supreme Court by appropriate proceedings for enforcement of the rights included in Part III of the Constitution.

II. The Supreme Court shall have the power to issue orders, directions and prerogative writs for the enforcement of any of the fundamental rights. These writs are of the following five kinds :

   a. ***Habeas Corpus:*** If a person is wrongfully detained the Supreme Court has the power to issue a writ of *habeas corpus,* directing the detaining authority to produce the detenu before it and justify the cause of his detention. If the detention is found to be without legal justification the Court will set the prisoner free.

   b. ***Mandamus:*** It is an order given by the Court to somebody or person to perform a public or quasi-public duty which that body or person has failed to perform and which affects the right of an individual.

   c. ***Prohibition:*** It is writ issued by the Supreme Court to forbid an inferior court to continue proceedings that falls outside its jurisdiction.

   d. ***Quo Warranto:*** It is a writ issued by the Court to restrain a person from acting in a public office to which he is not entitled.

   e. ***Certiorari:*** This is a writ issued by the Court to some inferior court or tribunal to transfer the case to it or to some other authority for its proper consideration.

III. Parliament may by law empower any other court to issue writs or orders without prejudice to the Supreme Court's power in this respect.

IV. The right so guaranteed shall not be suspended except during a Proclamation of Emergency—in the manner as laid down in Article 359.

The High Courts also have the power (under Article 226) to issue writs for the enforcement of fundamental rights. But whereas the writ of Article 32 runs throughout the territory of India, the writ of Article 226 is limited to the territory to which the High Court exercises jurisdiction in other matters.

8.15.1 Scope of Article 32

i) The sole object of Article 32 is to enable an aggrieved person to approach the Supreme Court only when his fundamental right has been infringed by a state action, as the Supreme Court held in *Gopal Das v. Union of India,* 1955 and *Muneeb v. Government of J & K.,* 1984. Hence—

a. the Court will not determine in a proceeding under Article 32 any question other than relating to a fundamental right *(Amarjit Sinqh v. State of Rajasthan,* 1955; *Express Newspapers v. Union of India,* 1986);

b. if the validity of a provision of a statute is challenged on grounds other than violation of a fundamental right, the court would not entertain that challenge in a proceeding under Article 32;

c. a writ under Article 32 would not lie for enforcement of Government policy *(Hindi Hitorakshak v. Union of India,* 1990) or a Directive Principle *(B. Krishna Bhat v. Union of India,* 1990).

d. in an application for *habeas corpus,* the petitioner cannot succeed unless he can show an infringement of Article 21 or 22 *(Harish v. Union of India,* 1973; *Ram Bali v. State of West Bengal,* 1975).

8.15.2 Effects and significance of the guarantee:

It is obvious that Article 32 guarantee the right to move the Supreme Court for writs for the purpose of enforcement of fundamental rights. Article 32 has been described by the Constitution as a "Constitutional Remedy" for the enforcement of fundamental rights. In other words, the right to move the Supreme Court where a fundamental right has been invaded is itself a fundamental right *(Kochuni v. State of Madras,* 1959).

It is not merely a right of the individual to move the Supreme Court, but also a duty of the Court to enforce those guaranteed rights. The Court is thus constituted "the protector and guarantor of the fundamental rights" (*Daryao v. State of U.P.,* 1961; *State of Mysore v. Kangan,* 1975; *Ashok v. Collector,* 1980).

The effects of such guarantee are that:

a. The power of the Court to issue the writs is absolute; it cannot be suspended except during a Proclamation of Emergency in the manner as provided in Article 359; and the power of the Court to issue the writs cannot be taken away by any legislation *(Kochuni v. State of Madras,* 1959), or by anything short of amendment of the Constitution. Even the validity of an amendment to the Constitution can be examined by the Court.
b. Any law which negates or curtails or makes ineffective the exercise of the Court's powers under Article 32 is void *(Gopalan v. State of Madras,* 1950). The Court struck down sec. 14 of the P.D. Act, 1950.
c. Since it is the duty of the Supreme Court to grant relief under Article 32, where the violation of a fundamental right (actual or threatened) is *prima facie* established, the Court cannot refuse an application under Article 32, merely on the following grounds :
    i. That the application has been made first to the Supreme Court, without resort to a High Court under Article 226.
    ii. That there is some adequate alternative remedy available to the petitioner.
    iii. That the petitioner has not prayed for the proper writ or direction.
    iv. That the Article in Part III of the Constitution which is alleged to have been violated has not been specifically mentioned in the petition.

Thus Article 32 has become, to quote Dr. Ambedkar, **"the soul of the Constitution and the very heart of it".** In the words of the former Chief Justice P.B.Gajendragadkar, Article 32 is "a cornerstone of the democratic edifice raised by the Constitution". It provides a guaranteed remedy for the enforcement of the fundamental rights and this remedial right is itself made a fundamental right. The Supreme Court is thus "constituted the protector and guarantor of fundamental rights" *(Ramesh Thappar v. State of Madras,* 1950). D.D.Basu observes, "The range of judicial review recognised in the superior judiciary is, perhaps, the widest and most extensive known to the world of law." In the interest of social justice and to discharge its responsibility to protect fundamental rights the .Supreme Court has made an innovation known as "public interest litigation". It is now established that a writ petition may be moved not only by an "aggrieved person" but also by a public

spirited individual or a social action group for the enforcement of the constitutional rights of persons who are unable to enforce them on account of their incapacity, poverty or the like.

8.16 LIMITATIONS ON ENFORCEMENT OF FUNDAMENTAL RIGHTS

Like other fundamental rights, the right to constitutional remedy is also not absolute but limited. The Constitution has placed the following limitations upon the enforcement of fundamental rights:

i. In order to maintain proper discipline among the members of the Armed Forces and the Police Forces, Parliament can determine by law to what extent they would enjöy fundamental rights (Art. 33).

ii. When martial law has been in force in any part of the country, Parliament may by law iridevnviify any Government official for any act done by him in connection With the maintenance or restoration of order in such area.

iii. During a Proclamation of Emergency, the President may by order suspend the right to move the Court for the enforcement of fundamental rights (Article 359). But rights included in Articlea 20 and 21 cannot be suspended (44th Amendment).

iv. *Fundamental Duties* Article 51A (Part IVA) of the Constitution inserted by the 42nd Amendment Act (1976) is a novel feature of our constitutional development. It incorporates a list of ten Fundamental Duties of the Indian citizens. Article 51A says that it shall be the duty of every Indian citizen —

a. to abide by the Constitution and respect the National Flag and the National Anthem;

b. to cherish and follow the 'noble ideals' which inspired our national struggle for freedom;

c. to protect the sovereignty, unity and integrity of India;

Check Your Progress

1. What do you understand by the term 'Fundamental Rights'?

2. Explain 'Right to Equality:

3. What are the various freedoms guaranteed by the Constitution?

4. What are the various Fundamental Duties?

5. Discuss the limitations on enforcement of Fundamental Rights.

d. to defend the country;
e. to promote the spirit of common brotherhood amongst all the people of India;
f. to preserve the rich heritage of our composite culture;
g. to protect and improve the natural environment;
h. to develop the scientific temper and the spirit of enquiry;
i. to safeguard public property;
j. to strive towards excellence in all spheres of individual and collective activity, so that the nation constantly rises to higher levels of endeavour and achievement.

8.17 ANSWERS TO CHECK YOUR PROGRESS:

1. Refer chapter 8.1
2. Refer chapter 8.2
3. Refer chapter 8.4
4. Refer chapter 8.15
5. Refer chapter 8.15

UNIT V

LESSON 9

FOREIGN POLICY AND RELATION WITH OTHERS

9.1 Principles and Objectives of India's Foreign Policy

9.1.1 World Order and Peace

9.2 Development of India's Non-alignment Policy

9.3 Influence of International Milieu on India's Foreign Policy

9.3.1 Bipolar politics and changing superpower relations

9.3.2 Nuclear disarmament

9.3.3 Afro-Asia

9.4 India and her neighbours.

9.5 Indian Ocean: Its Importance and Influence on India's Defence and Security

9.6 Indo-Pakistan Relations

9.7 Indo-Pak Dispute on Kashmir

9.8 Indo-Soviet Relations

9.9 India-China Relations

9.10 Indo-U.S. Relations

9.11 India-Bangladesh Relations

9.12 Nepal-India Relations

9.13 India-Sri Lanka Relations

9.14 Answers to Check Your Progress

9.1 PRINCIPLES AND OBJECTIVES OF INDIA'S FOREIGN POLICY

India's foreign policy may be said to represent a blend of idealism and realism. It has been determined by history, geography, personalities and political circumstances, particularly the international environment. When India won her freedom she was a backward country, industrially and technologically underdeveloped and militarily very weak. "The partition of Pakistan and the holocaust that followed," as said K.S.Murty, "made her anaemic". The international environment that confronted India was the bipolarization of the world and the Cold War between the United States and Soviet blocs of states, each facing each other with

different ideologies and socio-political systems. Imperialism and racism were still dominant in Asia and Africa. In this background Jawaharlal Nehru, the first Prime Minister of independent India, laid down the basic principles of the foreign policy of the country. (The most important objectives that helped to shape those principles were: (1) national security, which means the maintenance of the country's territorial integrity, domestic integrity and political sovereignty; (2) national development (particularly raising living standards of the people appreciably and to revitalise our old civilisation with modern technology and far-reaching social reforms; and (3) world peace.

Nehru's foreign policy, which in its fundamentals has not changed since then, has three interrelated principles: (i) Non-alignment, (ii) Panchshila and (iii) Anti-colonialism.

i) Non-alignment:

In response to the cold war rivalry India, under Nehru, chose the policy of non-alignment and it is still the basic principle of our foreign policy. Non-alignment means the policy of maintaining equidistance from the super-power rivalry and avoiding direct involvement in military alliances or pacts. At the same time, it means pursuing an independent policy in accord with one's national interest. Thus non-alignment has "nothing to do with neutrality or passivity". It is, as Nehru said, a definite and "positive" policy, enabling a country to decide each issue on its own intrinsic merit as the country thinks best. This was clearly expressed by Nehru in his foreign policy statement made on September 26, 1946: "In the sphere of foreign affairs India will follow an independent policy, keeping away from the power politics of groups aligned one against another. She will uphold the principles of freedom for dependent peoples and will oppose racial discrimination wherever it may occur. She will work with other peace-loving nations for international co-operation and goodwill without exploitation of one nation by another". The policy of non-alignment, Nehru believed, would best satisfy the national goals of security and progress. It would enable India to construct a new and better social and economic order for itself. The goal of non-alignment is peace.

ii) Panchshila:

To safeguard the newly won independence and satisfy the need for peaceful development, India has formulated the Panchshila or five principles of international conduct: (a) non-interference in the internal affairs of other nations; (b) respect for territorial integrity and sovereignty; (c) non-aggression; (d) equality and mutual benefit; and (e) peaceful coexistence. Panchshila, says Dr.Murty, is only a consequence of non-alignment. It was first formulated in the preamble to the agreement signed by Prime Minister Nehru and the Chinese Prime Minister Zhou Enlai in 1954. Later on, this Panchasila was the matter of signed agreement between India and other countries such as Vietnam, Yugoslavia, Burma, Nepal and the Soviet Union. By 1956 most nations supported the Five Principles.

iii) Anti-Colonialism and Anti-Racialism:

Anti-colonialism and antiracialism constitute another principle of India's foreign policy. As Jawaharlal Nehru said: "India will uphold the principles of freedom of dependent peoples and will oppose racial discrimination whereever it may occur". Consistent support for peoples aspiring for national independence and opposition to discrimination based upon race or creed in any part of the world have been the basic planks of India's policy.

9.1.1 World Order and Peace:

India believes that her national interests are best served by creating conditions of peace, encouraging cultural and economic cooperation on an unrestricted international scale, and fostering conditions favourable to political coexistence between competing forms of government. Hence for the promotion of peace and building a world community, India has given her whole-hearted cooperation and unreserved commitment, in both spirit and letter, to the Charter of the United Nations. Confidence in international cooperation and mutual goodwill, exemplified by the United Nations, is a principle of India's foreign policy.

In practice, the Government of India has consistently fought against Cold War politics, condemned the establishment of military alliances like SEATO and CENTO, helped to bring an end to the wars in Korea and Indo-China, demanded the

withdrawal of American and British troops from the Middle East, repeatedly condemned the policy of building military bases on foreign territory. To maintain peace, the goal of non- alignment, India has been a staunch supporter of disarmament and the ban on nuclear weapons.

But when the basic national interests (defense and national development) were concerned India was ready to accept aid from outside. For example, after the Chinese aggression in 1962 and America's growing pro-Pakistan policy, India has to secure military and economic aid from the Soviet Union. The "Bangladesh War" of 1971 showed that, when India's own national interests are involved, she can be remarkably military in strategy. During that war, when the emerging U.S.-China- Pakistan axis threatened India's security, the Government of India led by Indira Gandhi signed a friendship treaty with the Soviet Union. India's relations (political, economic, cultural and military) with the Soviet Union had thus become far closer than the other superpower. This undoubtedly served India's national interest. But the dilemma that faced India was how much "pro-Soviet" she would remain and to what extent she would remain "genuinely" non-aligned. Her recognition of Cambodia and her refusal to ask the Soviet Union to vacate Afghanistan were questioned by some of the non-aligned countries. But in the event of Pakistan being armed by the United States and Pakistan making a nuclear bomb, India would have no option but would have to fall back upon the Soviet Union and manufacture a nuclear bomb for strategic and national interests.

India had always been a consistent supporter of the peoples of Afro- Asia fighting for national independence. She sharply criticised Anglo- French and Israeli attack in Suez in 1956 and supported the Arab countries against Israeli aggression. After the emergence of a large number of new states in Asia and Africa, the foreign policy objectives of India had been to strengthen the political bonds of the area and in general to help create a "third force" in international affairs that would avoid any major war or hot war, and work together in international forums to fight against common enemies such as neo-colonialism and racialism and for common goals (e.g. economic development). As the prime architect of non-alignment policy, India has

thus taken an active part in its institutionalisation. India's opposition to the racial policies in South Africa and Southern Rhodesia was unequivocal.

Finally, the role that India has played in the United Nations shows that India regards the U.N. as an international forum for the resolution)f conflicts, the prevention of possible conflicts, and the spreading of mutual understanding and cooperation. It was this confidence that led India to bring the Kashmir case to the attention of the U.N. in 1947.

Along with Egypt, she has played a leading role in the formation of a non-aligned bloc of Afro-Asian nations which put forward the formula of conditions of peace, by limiting military defense alliances.

9.2 DEVELOPMENT OF INDIA'S NON-ALIGNMENT POLICY

India's non-alignment as a basic principle and as an instrument of foreign policy has evolved through continuous interaction with domestic and international environments. This evolution was marked by India's capability to shape the concept as well as the praxis of non-alignment to subserve her vital national interests in the changing context of global politics and global configurations of power and changing domestic needs.

The term "non-alignment" appears to have been coined by our Prime Minister Jawaharlal Nehru in a speech of April 28, 1954, in Colombo. Generally, the term implies the policy of maintaining equidistance from the superpower rivalry (ideological and military) and avoiding direct involvement in military alliances or pacts. Yet for Nehru its content, articulated before the actual term in speeches dating from 1946, embodies a separate identity and role for developing states rather than fixed positions defined in relation to outside blocs—Soviet bloc and the American bloc—as emerged after the Second World War. In making India's foreign policy statement on 26 September, 1946, Nehru said, "India will uphold the principles of freedom for dependent peoples and will oppose racial discrimination wherever it may occur. She will work with other peace loving nations for international cooperation and goodwill without exploitation of one nation by another". Non-alignment is thus

not a negative concept, it does not mean isolationism or pacifism. In 1954 Nehru categorically stated that non-alignment had "nothing to do with neutrality or passivity". It is a definite and positive policy, enabling a country to decide on its own intrinsic merit as the country thinks best. It is a policy of independence; its keynotes are peace, freedom and non-interference, opposition to any foreign intervention or dominance. It was the expression of the struggle of the post-colonial states for strengthening their independence, security and fostering economic development by refusing to join either side of the Cold warriors. The principal aim of non-alignment is to democratise international relations, to build a new international economic order and strengthen the United Nations and world peace.

Jawaharlal Nehru made non-alignment the king-pin of India's foreign policy because, he believed, it would best serve India's goal of security and material progress. However, the changing international environment, the development of superpower relations and India's relations with the neighbouring countries influenced India's non-alignment policy in diverse ways from the beginning of 1950s.

During the first three years of independence the Nehru government placed excessive bias on Britain, the former imperial power, as India's primary partner in global diplomatic activities, identified India with the Western position on all important matters in the United Nations and outside (e.g. supporting British repressive measures against national- liberation movements in Malaya, supporting the Western role in the Greek civil war). The sympathy with the British Labour Government which granted independence, Stalin's characterisation of the Nehru government as 'lackey' of imperialism and the policy of the Indian communists to overthrow Nehru government at the call of the Comintern—all these factors contributed to India's foreign policy behaviour that was contrary to non-alignment. In June 1950 India supported the US-backed armed intervention under the UN flag in Korea. But with the entry of Communist China into the war when the USA decided to cross the 38th parallel, India realised that her support of US action collided with her policy of not favouring any bloc. She changed her policy to one of peace to prevent

World War III developing out of the conflict and successfully mediated to bring an end to it.

Thereafter India, in conformity to non-alignment policy consistently fought against Cold War politics, condemned the establishment of military alliances like SEATO and CENTO sponsored by the United States, helped to bring an end to the war in Indo-China, demanded withdrawal of American and British troops from the Middle East, repeatedly condemned the building of military bases on foreign territory.

Promoting peace has been central to India's foreign policy stance, considering peace as a pre-requisite for economic development. India's concept of peace broadly had three dimensions. India aspired to live in peace with Pakistan and hence did not attempt to change the *status quo* in Kashmir. In the context of Asia, the Nehru government extended its hand of friendship towards China, the potential revolutionary power, via the Panchsheel Agreement in 1954. At the global level, India kept herself outside the context waged by the superpowers.

To maintain world peace, the goal of non-alignment, India has always sought to strengthen the United Nations an international forum for resolution of inter-state conflicts and development of international cooperation. She has been a staunch supporter of disarmament and the ban on nuclear weapons. But she could not support the 1968 Nuclear Non-proliferation Treaty which banned nuclear explosions for peaceful purposes because India along with China and France considered the treaty discriminatory and an attempt to preserve the superpower monopoly of nuclear weapons. And in 1976 India developed a nuclear device but has not yet made any attempt to manufacture a nuclear bomb.

In conformity with her policy of non-alignment and avoiding a possible world war, India ever since Bandung Conference of Afro-Asian states (1955) was one of the principal architects in founding the "non- aligned bloc" of new independent states to act as a "third force" in international affairs that would avoid any major war or hot war. She consistently rendered support to Afro-Asian movements for freedom from Western imperialist domination. Her support for anti-apartheid movement in South Africa was unequivocal.

But when the basic national interests (security and defense and national development) were concerned India was ready to accept, aid from outside, from both the superpowers. While India appealed to the United States as the largest democracy, the Soviet Union after the death of Stalin was attracted to India's partially planned economy and emphasis on the development of state sector. Thus developed Indo-Soviet economic cooperation as India launched the Second Five Year Plan. The Soviet aid to build steel plants in India as well as the Soviet veto in the United Nations on the Kashmir issue raised by US-backed Pakistan cemented the Indo-Soviet friendship. Nevertheless, India was not averse to receive aid from Western countries in the fulfilment of her needs for economic development.

India's non-alignment status was questioned when the border dispute between India and China erupted into a war between the two countries and India sought US military assistance for the first time. This request seemed apparently inconsistent with non-alignment. However, non- alignment, in Nehru's words, was an instrument of serving India's national interests. In the face of the threat to India's security interests, non-alignment provided room for seeking military assistance from either of the superpowers to help repel an aggression. The USA promptly responded, seeking to tilt India's policy favourable to the West. Michael Brecher has tried to establish a connection between the possible strength of the US backing to India (an imminent massive MS air intervention) and the announcement of a unilateral ceasefire by China with an intention to withdraw its forces behind the MacMohan line. In the end, China humiliated India but could not destroy nonalignment. China's withdrawal, paradoxically, contributed towards a continued legitimization of non-alignment.[2] By invoking categorical support from one of the superpowers India was able to restore peace in the world without sacrificing the core of non-alignment. In the aftermath of the war, India was forced to strengthen her defences by diverting her precious resources towards armaments.

India's non-alignment faced another major crisis during the Indo-Pak War of 1971 which led to the creation of the state of Bangladesh. During the course of this war the emerging US-China-Pak axis threatened India's security and India signed a friendship treaty with the Soviet Union. The validity of India's non-alignment was

again questioned. Such questioning was however coloured by a static conception of non- alignment. The Indo-Soviet friendship treaty was not essentially a military alliance. The Soviet Union upheld India's policy of nonalignment and recognised it as an important factor in maintaining universal peace and international security. In effect, the treaty proved to be a sufficient guarantee to ward off threats to India's security emanating from the US 7th Fleet. The treaty did not forbid India from entering into cordial ties with other states. India's increasingly closer relations (economic, military and political) acted as a bastion against the possibilities of growing Sino-US intrusion into the politics of the subcontinent. By supporting the *de jure* existence of Bangladesh India was able to reshape the political map and power balance in the subcontinent. The break-up of Pakistan and the Sino-US rapprochement in the seventies gave India sufficient bargaining power. And also through her friendship with the Soviet Union India could play the role of a guardian of peace in the region. However, it was such close ties with the Soviet Union that prevented India to condemn Soviet armed intervention in Afghanistan and join the world opinion in asking the USSR to quit Afghanistan. India's position was certainly contrary to her non-alignment policy and it cost her dearly in the long run—flow of American arms to anti-Afghan regime forces through Pakistan.

In sum, India's overall foreign policy behaviour was guided by non-alignment but not at the cost of her vital national interests. In the event of Pakistan being armed by the United States and seeking to dominate the subcontinent as well as South Asia, India would have to fall back upon the Soviet Union for strategic and national interests.

Since the ending of the Cold War and the disintegration of the Soviet Union that has changed international milieu, some have called for the abandonment of the policy of non-alignment by India. It is argued that non-alignment was the product of the Cold War and with the ending of the Cold War it has lost its *raison d'etre.* Such argument betrays a lack of understanding of the dynamies of nonalignment. The significance of non-alignment goes beyond a general opposition to bloc division. It is an expression of the struggle of weak and developing nations for strengthening their

independence and security from external domination and fostering economic development. The world of 1990s is witnessing the rise of hegemonistic politics, replacing bloc politics. In view of the emerging unipolar world and the dangers of domination of small and economically weak nations by the only superpower in collaboration with some other great powers, the relevance of non- alignment is more than ever before. For India, the importance of non- alignment lies in that she should not become appendage of any super or great power and should forcefully address herself to the tasks of South-South cooperation, the North-South dialogue so as to achieve material progress, environment protection and restructuring of the UN. Non-alignment is an effective instrument to exercise freedom of action in global politics in furtherance of the country's vital interests. Its success however depends upon the maintenance of good neighbourly relations with neighbouring states.

9.3 INFLUENCE OF INTERNATIONAL MILIEU ON INDIA'S FOREIGN POLICY

The foreign policy of every state is conditioned and influenced, to a great extent, in a given period by the international environment because, as James Rosenau and others have shown, there exists the feedback and linkage between the international system and the various national systems. India is no exception. While formulating the foreign policy objectives and principles, India's policy-makers have to consider the various factors in the international milieu in which India finds herself and acts.

9.3.1 Bipolar politics and changing superpower relations

The bipolarisation of the world and the developing Cold War between the Western bloc led by the United States and the Socialist bloc led by the Soviet Union confronted India when she won independence. The magnitude of the conflict forced almost every country to become at least indirectly involved at times but India chose an independent policy in relation to the power blocs. This is the policy of non-alignment, that is, the policy of maintaining equidistance from the superpower rivalry, which might be described as India's response to the Cold War. Non-alignment, as said Jawaharlal Nehru, the chief architect of India's policy, not only provided the

independent status of the nation, it was the only policy that should be adopted by a backward country like India. By refusing to join sides with either bloc, India called for an end of the Cold War and the promotion of world peace— a necessary condition for the national goals of security and socioeconomic progress. However, the changing international environment (the development of superpower relations and India's relations with the neighbouring countries) influenced India's policy in diverse ways from the beginning of 1950s.

Until the outbreak of the Korean War in June 1950, despite her non-alignment policy, the Nehru Government placed excessive bias on Britain, the former imperial power, as India's primary partner in global diplomatic activities as well as a necessary link with both the Western and Common-wealth countries. The sympathy with the British Labour Government which granted independence and the insistence upon continuity, Stalinist skepticism about the *bona fides* of India's independence and the policy of the Communist Party of India to overthrow the Indian bourgeois government at the call of the Com inform—all these factors contributed to it.

During the first three years after independence, therefore, India identified herself with the Western position on almost all important issues in the United Nations and outside (e.g. in supporting British actions in Malaya to suppress the national-liberation movement led by communists, supporting the Western role in the Greek Civil War).

In October 1949, India was the first non-socialist country in Asia, after Burma, to recognise communist China. But as the Korean War broke out India supported the U.S.-backed armed intervention under U.N. to resist "North Korean aggression". But with the entry of communist China into the war after American decision to cross the 38th parallel, India realised that her support of so-called "collective security" collided with her determination not to favour any bloc and with the fear of a major war India's policy moved toward one of peace to prevent World War III developing out of the conflict. She successfully mediated to bring an end to the conflict.

In the 1960s the external situation changed as polycentrism gradually emerged within the Western bloc and the Soviet bloc. For India it meant the erosion of the Cold War ideological rhetoric and the emergence of a triangular involvement of external powers (U.S.A., Soviet Union and People's Republic of China). The Sino-Soviet conflict, beginning around 1955, resulted first in the withdrawal of Soviet economic and technical aid from China and then it was matched by a corresponding increase of such aid to India.

The decline of the Cold War and the beginning of detente between two superpowers after the Cuban missile crisis (1962), gradually brought into existence a new pattern of political-strategic cooperation between U.S.A. and U.S.S.R. While competing for domination in South Asian politics, in general, both the superpowers developed a common interest in promotion of political stability and economic development of the region. Both had a common interest in containing Chinese influence and both decided to give military aid to India which India needed after she suffered defeat on the Himalayan border in 1962. This development posed certain problems for India's policy-makers who however tried to maintain equidistance between the superpowers.

In 1965 the Soviet Union and the U.S.A. joined hands to pressurise India and Pakistan to resolve their differences. The U.S. did not oppose the Tashkent agreement of 1966 signed by India and Pakistan at Tashkent on the initiative of the Soviet Prime Minister.

Meanwhile Sino-American relations began to improve and by 1971, on the eve of the Bangladesh War, it seemed that a political axis consisting of the U.S., China and Pakistan had been formed. To offset the threat to India's security, the Government of India signed a friendship treaty with the Soviet Union. India was virtually pushed nearer to the Soviet Union but the treaty proved beneficial to India's national interest.

Thus the development of superpower relations influenced India's foreign policy in diverse ways in the 1950s and 1970s.

9.3.2 Nuclear disarmament:

One of the major determinants of India's policy of non-alignment was the belief that nuclear arms race meant the escalation of the bipolar confrontation and destablisation of the international system. By the middle of the sixties Britain, Canada and China had joined the nuclear club. This global nuclear environment became complicated as the superpowers attempted to preserve and perpetuate their monopoly of nuclear weapons through the Nuclear Non-Proliferation Treaty of 1968 which banned nuclear explosions even for peaceful purposes. Logically, India did not sign the N.P.T. and developed a nuclear device in 1976.

9.3.3 Afro-Asia:

The emergence of a large number of new States in Asia and Africa, soon after India's independence, brought about a radical change in the international environment. In conformity with her policy of non- alignment and avoiding a possible World War, India proceeded to consolidate the political bonds of the region in general and crete a "third force" in international affairs that would avoid any major war or hot war, and work together in international forums to fight against common danger, such as imperialism and racialism and for common goals of national development. As the prime architect of non-alignment policy, India has always rendered support to Afro-Asian national movements for freedom from Western domination and has taken an active part in its growth and institutionalisation.

9.4 INDIA AND HER NEIGHBOURS

Pakistan, China, Bangladesh (formerly East Pakistan), Sri Lanka, Bhutan, Nepal and Myanmar are India's closest neighbours and share many common historical, cultural, social, economic and political bonds with her. Each of these neighbours has distinctive foreign policy orientations and their policy behaviour *vis-a-vis* India differs accordingly. These constitute India's immediate external environment that has a great impact on the formulation of India's foreign policy.

i) Pakistan:

The most important factor in India's international environment is perhaps Pakistan and it has been India's most important foreign policy problem. Pakistan's participation in the U.S. sponsored military alliance systems brought the Cold War to India's doorstep. To this was added Pakistan's intimate political and military relations with China. This led India to increase her defence expenditure at the cost of the rate of economic development. India's attitude towards the superpowers and other important states has been considerably influenced by their stand on Kashmir and attitude towards Pakistan. Hostile relations with Pakistan undermined our security, national development and relations with other states. Four wars with Pakistan—two over Kashmir in 1947-48 and 1965, one on Kutch in 1964 and the other during 1971 Bangladesh War compelled India to spend the much needed economic resources for military purposes. The U.S. decision in 1980s to rearm Pakistan with sophisticated arms and planes and Pakistan's determination to go nuclear have compelled India to reorient her defence and nuclear policy.

ii) China:

India's more powerful neighbor China also constitutes an important factor in her international environment. India was the first Asian country, after Burma, to recognize the People's Republic of China in 1949 and sought friendly relations with it, though Mao Zedong did not then consider India an independent nation. However, in 1954 the two countries signed the Trade and Intercourse Agreement. The friendly relationship continued only for two-years as the long-standing border disputes between two nations were complicated since 1959 by a succession of events such as the Tibetan uprising, the border armed skirmishes, and then, finally, China's invasion in 1962. The result was India's increased emphasis on defense policy and friendship with the Soviet Union who practically supported India in her conflict with China.

iii) Other neighboring states: India has generally regarded Nepal and Bhutan, being within the outer perimeter of her own defence system, as integral parts of the sub continental defense line, and tried to retain a measure of control on the defense of those countries through treaties.

a) **Nepal** has been and continuous to be a classic buffer state. The hostile relations between India and China since the border war of 1962, made Nepal's position specially sensitive. Nepal must maintain close contacts with India for the promotion of its economy. About 90 per cent of Nepal's imports come from India.

b) **Bhutan** is dependent on India for its import as well as its export market. It is a member of the United Nations and, under a special relationship with India, Bhutan must consult with India on major matters concerning external affairs.

China, of course, does not recognise any special Indian rights in these areas and has gradually extended its role in Nepal over the years. Its activities in Bhutan are minimum, but as long as China and India are at odds any Chinese interest in Bhutan will pose a problem for India's policy-makers.

iv) Bangladesh:

The creation of **Bangladesh** poses a strategic problem for India. The Government of India believed that a free Bangladesh, assisted in its liberation both militarily and economically by India, would remain on friendly terms. This expectation was belied. In February 1972 India signed with the Bangladesh Government of Sheikh Mujibur Rahaman a 15-year Friendship Treaty. And despite her own massive economic problems, India promised substantial economic aid to Bangladesh. But within a few years rivalry between that country and India (religious, economic, political and cultural) arose and became the dominant feature of Indo-Bangladesh relations after the assassination of Sheikh Mujibur Rahaman in August 1975 and the murder of his associates. The military regime established thereafter and the quasi-military regimes that have followed all looked upon India as exploitative economically. Since then Indo-Bangladesh relations had been marked by tensions and conflicts until the Awami League came to power in Bangladesh. (For details see sec. 10 below).

9.5 INDIAN OCEAN : ITS IMPORTANCE AND INFLUENCE ON INDIA'S DEFENCE AND SECURITY

The Indian Ocean, the third largest after the Pacific and Atlantic Oceans, touches the shores of four continents, namely Asia, Africa, Australia and the Antartic. The sea borders of India, which lie wholly within the Indian Ocean basin, extend for more than 5000 kilometers. Naturally, the I.O. is of vital importance to our national interest. It has been so always. In ancient and medieval times most of India's economic and cultural relations with the rest of the world was carried on by maritime routes. In the modern period, the chief threat to the land of India which led to her eventual colonisation came from the I.O. As the I.O. became a "British lake", India remained the invincible bastion of the British Empire.

Today Indian Ocean has become of crucial significance to our national interest. Most of our commerce and trade are sea borne. Our economic development therefore depends largely on the freedom of navigation of the I.O. India's merchant marine is almost equal to that of Australia, China and Indonesia combined. India accounts for about half the people living in countries washed by the I.O. It provides the easiest and most effective means of communication between India and most of the neighbouring countries.

The strategic location of India in the I.O. helps her to play a role of global importance, politically, economically and militarily. Political developments and shifts in foreign policies of countries washed by theI.O.are vital to our national interest just as similar happenings in India are of vital interest to those countries.

The problem of the security of the I.O. is therefore the most vital security problem of India. The rise of a hostile power with access to the Indian Ocean is likely to disrupt our foreign trade and thus endanger our economic development. In particular, free navigation of the Suez Canal, the Persian Gulf, the South African Coast, and the straits of Malacca is essential for the uninterrupted flow of our foreign trade and hence also for our unhindered national development. The presence of a military threat to any of these areas, either local or from the Mediterranean, the South

Atlantic or the South Pacific, would be equivalent to a threat to India's national interest.

India's security problem has arisen after the withdrawal of the British navy from the Suez area in the late 1950s and from Singapore in the late 1970s and the emergence of a virtual naval confrontation between the superpowers, the U.S.A. and the U.S.S.R.

In the heyday days of the Cold War, the U.S. developed several military bases around the I.O. In 1971 it constructed a U.S./U.K. "naval facility" in the island of Diego Garcia (a British occupied territory) and in 1974 began expanding it into a regular naval base for its 7th Fleet. The Soviet navy first appeared in the I.O. in 1968 and since then the Soviet Union rapidly increased its naval presence there. It had also some naval facilities in the area, including birthing facilities in Socotra, Yemen, Ethiopia, and Sudan. But unlike the U.S., it had no permanent naval or military base in the I.O. Thus the Indian ocean had been turned into a zone of confrontation between the two superpowers.

From the seventies India, supported by other littoral states, had been campaigning against the increased naval confrontation between the superpowers in the I.O. which she considered a threat to the security of the I.O. Since the Lusaka Non-alignment Summit Conference '1970), the non-aligned movement has been demanding the conversion if the I.O. into a "zone of .peace." At its 26th Session in 1971 the U.N. General Assembly adopted a resolution declaring the I.O. a zone of peace, which was repeated several times afterwards but with no visible effect. Despite Soviet assurances given to India and serious superpower discussions in 1977 very little result had been achieved.

Some powers believe that no Indian demand is unjust as the I.O. is a free lake and enemy ships have a right to enter into it. Other states have the right to have a free passage over the I.O. India's argument is that the military presence of the superpowers was not good from the point of view of India's security. She recalled when in 1971 the U.S. navy apparently threatened India's security.

Assuming that the superpowers would remain in the I.O. and India would have friendly relations with both, there could be any direct threat coming from the I.O. India's neighbours cannot undermine the security of India on their own. Pakistan alone cannot pose a threat to India in terms of naval strength. Yet the existence of Karachi, not far off from Bombay, and the possibility of receiving U.S. naval aid by Pakistan would be likely to have adverse consequences both for our security and national development.

China has a larger navy than any other Asian State and is also likely to be equipped in the foreseeable future with missile carrying nuclear submarines. Besides, Australia, Japan and Indonesia have steadily growing navies.

In the circumstances India must develop certain naval strength for defence against Pakistan and China. Since however our resources are limited, development of friendly relations with both Pakistan and China have become of greater importance than naval power. Our foreign policy-makers are therefore faced with the complicated task of ensuring as permanent a friendship as far as possible with the states strategically controlling the approach routes to the I.O., and taking such other diplomatic measures as would ensure the safety of India's trade through these routes and her security.

9.6 INDO-PAKISTAN RELATIONS

Since the partitioning of the Indian sub-continent into two independent states—India and Pakistan—the relations between the two countries have never been friendly. The process of partition might have solved half-a-century of communal politics but it gave birth to hostilities of a wide variety which have been the source of three wars, dismemberment of the original state of Pakistan with the rise of independent Bangladesh, great power activities, and the promise of uninterrupted tension in the area. There are various reasons for prolonged friction between two neighboring countries; some of these are religious and ethnic while others economic and psychological. Pakistan was born with a psychology of hatred and fear, and with a primarily religious inspiration. Two parts of the subcontinent which were economically complementary became mutually exclusive and competitive in the

world market, with consequent economic loss to both. Among the problems which the process of partition left unresolved, the most important was Kashmir and it is Kashmir over which the two countries fought each other. And it is Kashmir which currently remains the most vivid symbol of past differences and deep animosities between the two countries.

When the Dominions of India and Pakistan came into existence on August 15, 1947 under the Indian Independence Act, 1947 passed by the British Parliament, the Maharaja of Kashmir was given the right to join any of the Dominions if he so desired. In September aided by Pakistani troops Muslim tribesmen entered into Kashmir and established in the Western part, a provisional Azad (free) Kashmir Government. On 26th October, 1947, the Maharaja of Kashmir joined the Indian Union and Indian troops were sent to Srinagar the next day. Thus began the first armed hostilities between the two newborn states. The Government of India led by Jawaharlal Nehru referred the Kashmir dispute to the United Nations. In January 1948 the Security Council passed a resolution calling both sides to cease hostilities at once, and a United Nations Commission for India and Pakistan was formed. The Commission, in its resolution of August 13, 1948, called for a cease-fire, the withdrawal of Pathan tribesmen and Pakistani forces. India and Pakistan accepted the resolution, but Pakistan did not withdraw its forces and formed the so-called Azad Kashmir in the occupied territory. Thus arose the Kashmir question which, more than any other issue, bedevilled the relationship between the two neighbours.

In 1953 the Prime Ministers of the two countries met in Karachi which resulted in considerable goodwill, and prepared the ground for further discussion. But the whole atmosphere changed when in 1954 Pakistan signed a military pact with the United States and later on joined the military alliance of Southeast Asia Treaty Organisation (SEATO) and the Central Treaty Organisation (CENTO). India who adopted the policy of non-alignment in the Cold War politics and wanted to free South Asia from it, naturally reacted by refusing to negotiate the Kashmir issue on a basis earlier agreed upon. Thus the problem remained unresolved, and the relations between India and Pakistan gradually declined.

An armed conflict over a territory, namely the Rann of Kutch, developed into the second war over Kashmir in September 1965 when Pakistan decided to solve the Kashmir problem by means of force. At the end of three-weeks fighting when the Indian Army crossed the international border, the' Security Council of the United Nations called a cease-fire. Subsequent to the cease-fire, all UN efforts to untangle the situation failed. Eventually on the invitation of the Soviet Prime Minister Kosygin. India's Prime Minister Lalbahadur Shastri and Pakistani President Ayub Khan met in Tashkent in the Soviet Union on January 3, 1966. They agreed to restore normal and peaceful relations between the two countries and try to settle the Kashmir issue peacefully. They agreed that both the countries would withdraw troops to position held prior to August, 1965.

The "Tashkent Spirit" however did not last long as India and Pakistan were at war again in 1971. In March political development in East Pakistan culminated in a civil war between East and West Pakistan. The Pakistani President General Yahya Khan let loose a reign of terror, after arresting Sheikh Mujibur Rahaman, the most beloved leader of East Bengalees who -were demanding regional autonomy for a long number of years. East Pakistan proclaimed itself an independent state, the People's Republic of Bangladesh. Millions of terrorised East Bengalees crossed over to West Bengal as full-scale war between Pakistani troops and Mukti Bahini, the Bangladesh liberation forces began. The security of India was endangered. There was tremendous domestic pressure on the Indian Government for recognition of the free Government of Bangladesh and intervention by the Indian army on behalf of the Mukti Bahini. And Indian army went into action when on December, 1971 Pakistan declared war on India.

The 14-day war ended on December 16, 1971 when the Pakistan army surrendered unconditionally in Bangladesh. This war in which the U.S.A. and China promised to support Pakistan and the Soviet Union backed India, placed Indo-Pakistan relations in an entirely new context as it changed the map of the sub-continent.

When the hostilities ceased, India insisted that any permanent settlement of outstanding issues, must be a result of bilateral talks between the two countries. Prime Minister Mrs.Indira Gandhi initiated the first summit meeting with Pakistan's next President Zulfikar Ali Bhutto in Simla in June 1972. The Simla Agreement signed by them on July 1972 marked as "new beginning in the relations between India and Pakistan". Both sides agreed to resolve all outstanding disputes by peaceful means and through bilateral negotiations without any involvement of an outside power.

In the succeeding years India and Pakistan made some progress towards normalisation of relation. Diplomatic ties severed in 1971 were fully restored in 1976; air and rail road traffic suspended in 1965 was resumed, talks were held to develop economic relations. However, the military bureaucratic elite group which has dominated Pakistani politics all along was not prepared to accept the transformed power politics of the subcontinent. A further source of friction between the two countries was India's explosion of a nuclear device in 1974. Internal political upheavals have generated new source of tension. And to make the picture even more glooming political developments in Iran and Afganistan cast their dark shadows on the subcontinent as Pakistani rulers raised bogey of India's intention.

Despite continuing differences on a number of major issues, there has been an effort to strengthen economic ties between India and Pakistan. It has been stepped up since the Indo-Pakistan Joint Commission set up a sub-commission in June 1983 to explore ways of increasing trade. However the results are not encouraging as the two-way exchange is limited to a paltry 50 million dollars. The chill between the two neighbouring countries seemed too deep for even post-Cold War global warming to reach. There had been meetings between the governments at different levels. Meetings between Prime Ministers of the two countries took place in December 1985, 1988, 1991 and several treaties were concluded such as a pledge by both the countries not to attack each other's nuclear power centres, a three- year pact on cultural exchanges, abolition of double taxation on air traffic, and a promise by each side to reduce tension and resolve all outstanding disputes by peaceful means and on bilateral basis.

But even on their 50th anniversary of independence the two states could not establish a mutually beneficial stable friendly relations. Since 1947 they fought three wars and have engaged in several disputes of which Kashmir is the most crucial, which have frosted their relations. Since 1994 the soldiers of the two countries exchanged shells across the remote Siachen glacier. Pakistan's involvement in terrorist activities in Jammu and Kashmir, increased US military aid to Pakistan, acquisition of nuclear technology from China, refusal to sign the NPT and CTBT because India did not sign—all these have combined to bedevil Indo-Pak relations. In September 1997 Prime Minister I.K Gujral of the second United Front Government held talks with his Pakistani counterpart Nawaj Sharif and reiterated their intention to improve bilateral relations. But events have driven the two countries further apart. In March 1998 Pakistan launched an intermediate range ballistic missile, called Ghauri, which was India-specific. In early May Prime Minister Atal Behari Vajpayee announced that India had exercised her nuclear option at Pokhran. Within three weeks Pakistan came out with its own nuclear blasts at Chagai, aided by China. While Prime Minister Vajpayee declared that India's tests were not directed at any country but for self-defence, his Pakistani counterpart took pride in giving India a fitting reply. Indo-Pak relations became highly tense. The Western powers led by the USA imposed sanctions on both countries, asked both countries to stop further tests—India had already announced unilateral moratorium on nuclear tests—and sign CTBT and hold talks to settle their long-standing disputes including Kashmir. The US President took the opportunity to meddle, as the US tried in the past, in Indo-Pak affairs and announced that the two countries should settle their disputes through international mediation which should include China. India rejected the American proposal .The meeting of G-8 held in Geneva endorsed the Indian position and asked the two countries to settle their disputes on bilateral basis. Prime Minister Vajpayee held out an olive branch but his Pakistani counterpart insisted on third party mediation. As of June 1998, Indo-Pak relations came to a standstill. However, India's efforts to build a relationship of trust and confidence and reactivate a sustained and comprehensive dialogue resulted in the first round of the renewed composite dialogue in October-November 1998 to discuss the eight identified subjects: Peace and security, including

CBMs; Jammu & Kashmir; Siachen; Tulbul Navigation project; Sir Creek, Trade and Economic Cooperation; Terrorism and Drug Trafficking and Friendly exchanges in different fields. These talks indicated common ground on some issues but little agreement could be reached. The crucial concern for India, reiterated during the composite dialogue, has been Pakistan-sponsored terrorism in J & K and other parts of India and India asked Pakistan to abandon such activity. India also urged upon Pakistan to respect their commitments under the Simla Agreement.

In keeping with India's overall policy, Prime Minister Atal Behari Vajpayee took the historic initiative of travelling to Lahore, on the inaugural run of Delhi-Lahore-Delhi Bus Service on 21-21 February 1999, which was dubbed as **"Bus Diplomacy"**. The Lahore Declaration signed by the Prime Ministers of the two countries promised, among others, a joint commitment to work through a bilateral process in the framework of the Simla Agreement for establishing a durable structure of cooperation, of building confidence and of resolving outstanding issues through peaceful, bilateral negotiations.

But Pakistan had its hidden agenda which was brought into action when India witnessed heavily armed Pak Army regulars, as well as Kashmiri insurgents, Afghan militants and mercenaries, all trained in Pakistan occupied Kashmir Camps, launching an attack on India in May across the 520 km long Line of Control (LOC) in the strategic Kargil Sector. The euphoria over the Bus diplomacy melted away in the Kashmir mountains in just a hundred days. India retaliated fiercely to evict the Pakistanis from the Indian territory. As the world looked aghast, the two sub-continental nuclear powers fought a pitched battle for more than two weeks, leaving a total of more than one thousand dead on both sides. The estimated cost of vacating the aggression was around Rs.5000 crores.

Pakistan Prime Minister Nawaz Sharif under sustained Western, mainly American, diplomatic pressures and lack of support from its trusted ally China, called off the Kargil misadventure on 11th July. Even after the withdrawal of its troops from Kargil, Pakistan's proxy war against India continued. The establishment of Army rule in Pakistan led to the intensification of cross- border terrorism. The normal relations

between the two countries have nearly stopped as India cannot enter into a fruitless dialogue with Pakistan's military ruler unless cross-border terrorism is ended and Pakistan promises to abide by the Simla Agreement.

9.7 INDO-PAK DISPUTE ON KASHMIR

When the Dominions of India and Pakistan came officially into existence on August 15, 1947, the status of Kashmir along with other "Princely States" was left undetermined. The Indian Independence Act of 1947 passed by the British Parliament ended the British paramountcy over the "Princely States" and gave them the right to join any of the Dominions, if they so desired. A basic characteristic of Kashmir was that the ruler was Hindu but approximately three-fourths of the population professed Islam. In 1947 its transportation links and trade were almost entirely with West Pakistan.

Apart from its agricultural land and timber, Kashmir had few economic resources other than the magnificent scenery of the valley of Kashmir. The upper reaches of four of the rivers on which West Pakistan depended for its irrigation were in Kashmir or bordered on it. Moreover, its location—between India, Pakistan and the Chinese Provinces of Tibet and Sinkiang, and (beyond the narrow Wakhan corridor controlled by Afghanistan) the Soviet Union endowed it with strategic importance for both India and Pakistan.

The Kashmir State in 1947 was run by the Maharaja and two important Hindu castes, the Dogras of Jammu and Kashmir Brahmans in the Vale. Political life centered on the conflict between the Maharaja and the Jammu and Kashmir National Conference, which was led by Sheikh Abdullah who felt that Kashmir's best interests would be served if it got an autonomus status within the Indian Union. The Muslim Conference which was much weaker was in favour of joining Pakistan. As the British parmountcy ended, the power of decision rested with the Maharaja. But accession to a democratic India had no appeal for him, while his future looked even less rosy in Muslim Pakistan. He seemed to have preferred an independent 'Kashmir'.

In the month of September communal riots broke out in Jammu and the Western part of the State. In the Western part, a provincial Azad (free) Kashmir Government was established by the Muslims. At this point tribesmen across the frontier encouraged and equipped by Pakistan raided Kashmir. They soon reached the valley and moved on Srinagar, looting and raping while demonstrating their loyalty to Islam. Maharaja sought military help from India, but the Government of India led by Jawaharlal Nehru said that the forces would be sent only if the Maharaja acceded to India. Left with no choice, and due to the insistence of the popular leadership under Sheikh Abdullah, he did so on October 26, 1947. India immediately sent troops which pushed the raiders out of the valley and began advancing on other areas. Meanwhile, Pakistan gave the Azad Kashmir Government material and weapons and sent Pak soldiers to serve in Kashmir as volunteers.

In early November Prime Minister Jawaharlal Nehru informed the world that the Kashmiris themselves should settle their fate in a plebiscite by confirming or not confirming the legally valid accession to India, but not before the invaders had been removed and peace restored to the area.

The Government of Pakistan agreed to the plebiscite on two important conditions: Indian forces should be withdrawn; and the recently installed Government of Sheikh Abdullah (whom Pakistan characterised as "a quisling and an agent" of the Indian National Congress) be replaced by a coalition Government.

The Government of India refused to accept those conditions, and referred the matter to the United Nations. India asked the Security Council to call upon Pakistan to stop giving assistance to the invaders forthwith. Pakistan did not allow the discussion center on the Indian charges. Instead the Pakistan Foreign Minister charged the Government of India with genocide and with aggression against Pakistan and claimed that the Maharaja of Kashmir's accession to India was obtained by fraud.

During the next years the dispute was almost constantly before the U.N., and the Security Council produced numerous resolutions and appointed a series of mediators to find some method that would permit a settlement. The U.N. had, achieved only one thing during these years: a Security Council resolution of

December 1948, providing for a ceasefire between India and Pakistan, and as of June, 1949, the lines between the troops of the two countries became the official ceasefire line. It had no success, however, in moving beyond this limited achievement. India and Pakistan both claimed that they would win a fair plebiscite.

Meanwhile the cold war politics cast its shadow on the Indian subcontinent as Pakistan became a member of SEATO and Baghdad Pacts, and constitutional developments took place in Kashmir and India because the people demanded them. So, as Jawaharlal Nehru stated on March 29, 1956, any efforts to settle the dispute must take all this into consideration. Free general elections took place in Kashmir and the popularly elected Kashmir Constituent Assembly decided to integrate Kashmir with India in 1956. Further developments took place. Through constitutional processes and by its own choice Kashmir made itself as much a part of India as West Bengal or Punjab. Kashmiris have thus decided their own future.

Kashmir still remains the most vivid symbol of deep antagonisms between the two countries. While Pakistan agrees that the Kashmir's future should be settled by a plebiscite, as recommended by the United Nations, India argues that the State of Jammu and Kashmir is an integral part of India by reason of the agreement of 1947, and that referral to the people of Kashmir has already taken place during elections conducted legally in the State, and that Pakistan remains in illegal occupation of a part of Kashmir.

There seems to be no solution to the Kashmir problem. From the point of view of India, Kashmir is an important link in her geographic line of security and in her economy. Pakistan, in turn, sees Kashmir as advantageous to her military security, as a largely Muslim area of some economic value, and as a land contiguous to Pakistan. Military, political, and economic issues are here intermixed with religion, a deadly combination indeed. It is therefore, unlikely that any of the following several alternative solutions would be acceptable to either: (i) the territory may be ceded, in whole, to India or Pakistan; (ii) they can agree on the *status quo;* (iii) they can agree on repartioning; (iv) Kashmir can be granted condominium status, supported by India and Pakistan; or (v) Kashmir can be granted independence.

9.8 INDO-SOVIET RELATIONS

During the first few years of independence, India's relation with the Soviet Union was never cordial. Stalinist scepticism about the *bona fides* of India's independence, the Zhdanov thesis of the division of the political world into two camps (the imperialist camp, led by the United States and the socialist camp, led by the Soviet Union) leaving no room for non-aligned camp, the policy of the Communist Party of India to overthrow Nehru Government by force and the consequent suppression of the C.P.I., India's opposition to the communist-led uprising in Malaya under British rule, and India's initial support to the U.S. armed intervention in Korea in 1950—all these created mutual distrust and hatred between the governments of the two countries.

But as the Korean was progressed and the Indian government strove to keep India out of the conflicts of the power blocs, and acted as go-between between Washington and Moscow, and new leadership emerged in Soviet Union after Stalin's death Indo-Soviet relations showed signs of improvement. As India proclaimed her determination to pursue the policy of non-alignment and the Soviet foreign policy changed after the death of Stalin (particularly Soviet ideological position toward India and other new nations), the era of Indo-Soviet cooperation began. With a view to weaning away India from her dependence on the West and furthering the policy of defeating capitalism as an economic system, the Soviet Union promised in January 1955 to build a big steel plant for India at Bhillai and to help in developing a powerful public sector in the country to which the United States and other Western industrialised countries were opposed.

The Indo-Soviet friendship was symbolised in the visit of Jawaharlal Nehru to the Soviet Union in June 1955 and the Bulganin-Khrushchev visit to India in November, the same year. The Soviet Union demonstrated its friendliness towards India by extending wholehearted support to India on the Kashmir issue in the United Nations against Pakistan supported by the West. The new basic tenet in the Soviet foreign policy, enshrined in the famous 'peaceful coexistence' of differential social and political systems, and the support given by the Soviet Union to India on the

liberation of Goa, the emerging Sino-Soviet conflict and the Indo-China border disputes in late 1950s cemented Indo-Soviet friendship.

In 1960 the Soviet Union stopped military and economic aid to China, but increased economic and technical aid to India. When a large-scale armed conflict between India and China occurred in 1962, the Soviet Union took an unambiguous neutral stand, asking both the countries to settle the dispute peacefully. China considered the Soviet stand as a betrayal of communism.

After the fall of Khrushchev from power in 1964 and the death of Nehru, Indo-Soviet friendship was subdued. The new Soviet leadership changed their pro-Indian stand to a more neutralist policy. Soviet Union gave arms aid to Pakistan in order to neutralise Chinese influence, which had already started giving military aid to Pakistan. The new Soviet policy was also directed to have a foothold in Pakistan which was totally pro-U.S.

However, in 1965 when Pakistan attacked India in the Kutch area, the Soviet Union supported India and offered to mediate in the Indo- Pak dispute. It was on the initiative of Premier Kosygin that India and Pakistan signed an agreement at Taskent which temporarily established peace in the subcontinent.

India's friendly relation with the Soviet Union took a new turn in 1971 when an autonomy movement had started in East Pakistan (later to be called Bangladesh), the U.S.-China axis was in the offing and Pak war drums were heard along the Indo-Pak border. The security of the country was in danger. Fortunately for India came the Soviet guarantee embodied in the Indo-Soviet Treaty of Peace, Friendship and Cooperation signed by the two countries in New Delhi on August 9. The treaty not only marked the beginning of a new chapter in Indo-Soviet relations, but it has become, as D.P.Dhar said, a reliable guarantee for peace and stability in the Indian subcontinent and around.

While the treaty declared the promise of one country to help the other if there be an attack on any one, it also made the two countries come closer both on economic and cultural spheres as article VII of the Treaty refers to the promotion of "further development of ties and contacts between them in the fields of science, art, literature, education, public health, press, radio, television, cinema, tourism and sports". The

treaty was thus not a military pact and did not affect India's policy of non-alignment which was recorded in it. It was not a defense pact for the treaty did not provide for the joining of one country with the other in case of an attack or a threat of attack but merely provided for mutual consultations in case either country faced a war threat.

The 20-year treaty was put to a crucial test three months after its signing. When Pakistan declared war against India in the month of December and the U.S. 7th Fleet was steaming into the Bay of Bengal, the Soviet Union warned the big powers not to interfere in the affairs of the Indian sub-continent and ordered its own fleet to shadow the 7th Fleet. The American gunboat diplomacy was frustrated. The Indo-Soviet Treaty not only demonstrated the Soviet commitment to India's friendship but it was helpful in discharging India's responsibility of helping the Bangladeshi people who were fighting for their freedom.

The 1971 Indo-Pak war clearly showed that India has become self- confident in her defence capabilities. The public sector projects which were created largely due to Soviet assistance since 1955 were, in many cases, in a position to switch on to defense production in times of emergency. About 67 major industrial projects, e.g., the Bhilai Iron and Steel Workshop, Ranchi Heavy Engineering Works, the Thermal Station at Bhakra and Hirakud and Petroleum Refineries at Barauni are symbols of Soviet aid to India.

In 1973 the Soviet Communist Party leader Brezhnev came to India and a 15-year agreement was signed on the Indio-Soviet Joint Commission for economic, scientific and technical cooperation. It was envisaged that the total volume of Indo-Soviet trade would double by 1980.An interesting feature of the Soviet aid pattern is that the Soviet Union did not demand as a rule payments in hard currency; rupee payment was accepted. Much of Indo-Soviet trade was based on the barter system and the rate of interest is generally between *2%* to 3%.

Indo-Soviet cooperation over the years had thus been marked by steady growth both horizontally and vertically. Both countries recognize the principle of peaceful coexistence as the governing relations between nations. On the India Ocean, the Soviet Union supported India's demand for making it "a zone of peace" and elimination of all existing military bases from the Indian Ocean and prohibition of

new ones. Indo-Soviet cooperation and friendship over the years had thus been marked by steady growth both horizontally and vertically.

9.9 INDIA-CHINA RELATIONS

Relations between India and the People's Republic of China did not begin with a friendly note, even though India was one of the first nations to recognise the Communist Government on the mainland in 1949 as the legitimate Government of China. In March 1950, Prime Minister Nehru expressed a desire before the Indian Parliament to sign a treaty of friendship with the People's Republic. But no response came from Beijing. The Communist Government of China led by Mao Zedong did not consider India an independent nation and denounced in strong language India's proposals for a Korean truce in December, 1952.

The picture suddenly changed in March 1953 when the Chinese Government agreed to a settlement in Korea that was based mainly on Nehru's proposal submitted in 1952. In 1954 Chou Enlai, the Chinese Prime Minister, paid a three-day visit to India and this was reciprocated by Nehru's visit to Beijing for 12 days. The outcome of this mutual visit was the signing by the Governments of the two countries "an agreement on trade and intercourse between the Tibet region of China and India". The preamble stated that the agreement was based on the principles of mutual respect for each other's territorial integrity and sovereignty, mutual non-aggression, mutual non-interference in each other's internal affairs, equality and mutual benefit and peaceful co-existence. These five principles which formed the most notable feature of the agreement later became the landmark of India's foreign policy under the name of "Panchsheel".

Thus India and China came closer to each other than ever before. The Government of India encouraged Sino-Indian Friendship Societies and supported cultural, trade union, business and governmental exchanges of visits between two countries. At the Bandung Conference India sought to establish that India and China could share the leadership of the Afro-Asian peoples in their fight against colonialism and racialism. India pleaded for recognition of the People's Republic of China by the United Nations and all countries, even though the United States opposed this vehemently. This was the period of the so-called "Hindi Chini Bhai Bhai" era.

The friendly relationship continued as long as China's foreign policy followed a moderate line and India was at odds with the West and as long as Tibet was quiet. But Chinese policy, both at home and abroad, shifted markedly in the direction of a harder and militant line during 1957 and 1958. The Sino-Soviet rift began and China called for 'people's wars' throughout Asia and Africa. The changing Chinese attitude created some apprehension in India. During this period economic dependence on the West was growing and this suggested to the Chinese that India was moving into the Western camp.

However, two developments in 1959 brought an end to the first phase of Sino-Indian relations. A major revolt within Tibet on March, 10, 1959, was suppressed by the Chinese armed forces. The Dalai Lama and thousands of Tibetan refugees fled across the border and sought political asylum in India, which India granted. China grew suspicious of India's intention and imposed strict restrictions on the movements of Indian nationals as well as the Indian representatives in Tibet and moved military forces to the border. The Indian armed forces were also ordered to defend the border.

The Tibetan uprising thus exacerbated the long-standing border dispute between Indian and China—the dispute that had its origin in the problem of the McMohan Line. While the Chinese Government declared the McMohan Line as a product of British imperialism, Prime Minister Nehru stated in the Indian Parliament in 1953 that the McMohan Line, fixed by the Simla Convention of 1914, had defined India's North-Eastern boundary as unchangeable. Thus from 1959 the Governments of two countries were publicly at odds over boundary territories involving at least 57,000 square miles, extending from Aksai Chin of Ladakh (where the Chinese had built a motorable road in the 1950s), through the territories in the northeast India. Diplomatic disputation and border provocations appeared to have come from both sides. The Soviet Union, to the utter dismay of the Chinese Government, adopted a neutral position on the border dispute and urged the two countries to settle it. This aggravated the Sino-Soviet rift which in turn added fuel to the growing deterioration in Sino- Indian relations.

Then on October 20, 1962, like a bolt from the blue, a better trained, better supplied, better organised, more disciplined, and numerically superior Chinese army

marched across the northern border into the Indian territory. The Indian army was completely routed and China took possession of lands it claimed. Thereafter on November 21, 1962 China declared a unilateral ceasefire along the entire Sino-Indian frontier and withdrew to positions 20 kilometers behind the line of actual control which existed between the two countries on November 7, 1959.

The year 1962 thus opened the second phase of Sino-Indian relations, a period that had been anything but friendly. Diplomatic relations were reduced by calling home ambassadors and China entered into regular relation with India's main adversary, Pakistan, by supporting Pakistan's claim over Kashmir, thus reversing China's earlier stand.

Confronted with two adversaries both with designs on Indian territory. India hastened to build an effective defence (something which had been solely neglected until then) and opened special ties with the Soviet Union.

When the Indo-Pakistan war broke out in 1965, China issued an ultimatum of some kind to the Indian Government. But China did not carry out the threat as Britain and the United States warned that intervention could have serious consequences for China.

Between March and December, 1971 a civil war broke out in East Pakistan where people demanded independent status. India supported the aspirations of the East Bengalees while China supported Pakistani President Yahya Khan's action in suppressing revolt. As war with Pakistan loomed large, India signed in August, 1971 a security pact with the Soviet Union—the Indo-Soviet Peace and Friendship Treaty.

The Indo-Pakistani war of December, 1971, resulted in the birth of independent Bangladesh. If the United States in that conflict 'tilted' towards Pakistan, in Henry Kissinger's utterance, then China positively leaned over. But China refrained from involvement in the war.

In 1975 when India incorporated the Himalayan Kingdom of Sikkim into an Indian State as the domestic situation within the Kingdom became unstable, China accused India of expansionism.

The third phase of Sino-India relations, now under way, can be dated from 1976 when diplomatic relations between the two countries was restored through

exchange of Ambassadors. In 1979 the Indian Foreign Minister Vajpayee visited Beijing. The visit which had been heralded as the dawn of a new era in bilateral ties went sour as China attacked Vietnam, a friendly country of India, while India's foreign minister had been in Beijing.

The Chinese behaviour indicated that the host country held India in low esteem and was unconcerned about India's reaction. India on her part expressed her protest and anger against China's attack on Vietnam which, according to Prime Minister Morarji Desai, created a situation endangering world peace. Vajpayee's visit ended in a fiasco though it might have "unfrozen" the boundary issue.

Since 1981 several high level talks between Prime Minister Indira Gandhi's Government and the new Government of China had taken place. The Chinese Foreign Minister came to India in 1981. But Sino- India relations are at a standstill. The border dispute has remained unresolved, China does not recognise Sikkim's merger with India or our special relations with Bhutan. By building the Karakoram Highway 'on our legal territory' (in Prime Minister Desai's words), China is committed to protect Pakistan's hold on occupied Kashmir. All these issues may not erupt into open conflict between the two countries. But they remain a constant source of tension.

Prime Minister Rajiv-Gandhi's visit to China in December 1988 marked a bold step in normalising relations with China. The visit ended (i) with the declaration of intent by Prime Ministers of both countries to work for peace and stability in Asia, develop good neighbourly relations, and disarmament and (ii) signing of an agreement on cooperation between the two countries in science and technology and (iii) setting up of the Indo-China Working Group comprising the foreign ministry and army chiefs of the two countries to find solutions to border disputes. In November 1991 Prime Minister of China came to New Delhi after long 30 years. This was followed by Indian President's visit to China, the first of its kind, in May 1992 and a year later Prime Minister Narasimha Rao went to Beijing. All these visits maintained the process of talks and dialogue and developed some relations in the field of trade, science and culture. The leaders of both countries expressed their resolve to maintain peace in border regions but the Indo-China Working Group, since its formation in 1989, could not find any solution to the border dispute. Thus during the last decade

there has been normalisation of India-China relations but economic and cultural exchanges between the two countries have not spilled over, as some contemporary "wise leaders" of India believed, into the political arena.

However, an event of global significance is most likely to open a new chapter in Sino-Indian relations: the 1998 Pokhran nuclear tests on 11 and 13 May, followed by Pakistan's nuclear tests. Among the members of the N-Club, China was most vocal and supported its new "Strategic Partner" USA in condemning India and asked President Clinton to punish India by imposing stringent sanctions. But it simply expressed regret for Pakistani tests. Though India's Prime Minister announced that its blasts were not aimed at any country, China who had already several hundred bombs in its nuclear arsenal and several missiles located in Tibet, expressed the fear that China was the target and that India's action would jeopardise any improvement of bilateral relations between the two countries.

The truth is, according to many defence analysts, the establishment of hegemony in South and South-east Asia has been a long-term objective of China's policy. Since the 1962 India-China war, China has all along made sustained efforts at winning Pakistan's loyalty with the "your enemy-is-my enemy too" line, extending all help, especially military, when the United States was being churlish about military hardware and in the 1990s fed Pakistan with the goodies of missile and nuclear technology, received from the United States. It helped Pakistan's nuclear and missile programme which have only one target: India. It seemed that China was moving in the direction of establishing the Sino-US joint hegemony over South Asia. Second, China has succeded to pull Myanmar, a totalitarian regime (an outcast in the community of nations) into its influence through sale of arms to the military regime and, receiving in exchange the facility to set up electronic surveillance posts in the Cocos Islands, near the Andaman and Nicobar islands, which can monitor all radio messages exchanged between Indian naval command there and the mainland. Third, China is firmly entrenched in the North-West of India, stretching all the way along the Himalayas. In the northeast it shows Arunachal Pradesh on Chinese map. All these Chinese actions impinge on India's national interest and security.

China knows that India, because of her geographic position, size and way of life, is the only country with the potential to be not only a regional Asian rival but also a contender for global status in the 21st century. With a nuclear monopoly in Asia and in collaboration with its newly found strategic partner, namely the USA, it would not be difficult to settle border disputes to its advantage and curh India's ambitions, if any. But India's emergence as a "nuclear weapon state" messed up the strategy. Hence the Chinese outbursts. China accused India of jeopardising the improvement of Sino-Indian relations, though PM Vajpayee declared that the Pokhram test was not directed at any country, but was an act to safeguard national security. To strengthen national defence and security, China installed missiles in Tibet and exploded a nuclear device in 1996 just before signing CTBT. India did not condemn Chinese actions but made serious efforts to improve bilateral relations.

Until the ascent of the BJP-led coalition to power in March 1998 no Indian Minister was so unwise as the new Defence minister to dub China as "India's Enemy No.1" (a heroic emulation of Maoist epithet), though the Chinese defence build-up on the frontier has been going on for more than two decades. Such utterances and the Pokhran tests, though India's PM Vajpayee tried to assuage the feelings and apprehension of the Chinese leaders, might seem to have negative what was achieved so far. But there is no reasonable ground to hold that Sino-Indian relations would not improve. The USA, once China's declared "enemy no. 1", has now become its most intimate friend.

In politics, whether domestic or international, there is no permanent friend or permanent foe. The ruling elites in both India and China should realise that they are friends as well as rivals. Competitive cooperation should be the basic pattern of their mutual relations. In this age of globalisation and liberalisation when the business of politics is mainly controlled by the politics of business, India and China cannot but improve their bilateral relations. India needs China as much as China needs India not because they are close neighbours but because their national interests converge in certain crucial areas (e.g. a peaceable environment through prevention of arms race in the region to facilitate economic growth; universal nuclear disarmament; prevention of US efforts to establish hegemony in the region), while they may diverge in other

areas. Where interests diverge they should talk and talk, refrain from building up tension, and negotiate in good faith and trust.

In retrospect, China was a friend till 1956. But the border dispute erupted in 1958 and within a year China became an enemy. The border dispute set in motion a chain reaction: first a verbal war, then an armed conflict in 1962, followed by Sino-Pakistan collaboration.

No one hopes the resurrection of the days of *Hindi Chini Bhai Bhai:* the world has changed since the days of the Bandung Conference and the idyllic ambience of fraternity between the two countries and their administration. But as we enter into the 21st Century there are distinct signs of hope that the process of conciliation has begun. Chinese diplomacy is subtle. A strategic dialogue with China will demand a rigorous intellectual exercise to define clearly India's concept of security and the measures China is expected to take in order to allay the neighbour's security concerns. Such an exercise must be based on China's capabilities —both economic and nuclear—and intentions.

Normal relations with India is an incremental foreign policy aims of China, particularly in the context of India's nuclear and missile weaponisation. Given their political and economic concerns and their overall foreign policy and strategic objectives, Chinese do not want tension or a confrontation with India in the short or even medium term. Viewed this way, the Chinese Foreign Minister's 1999 visit to New Delhi, the first high-ranking one since Pokhran II, is a small step forward in ending the period of hostility between the two neighbours. The only tangible advancement of this visit was the declaration that both sides would intensify bilateral engagement and inject some dynamism into the moribund talks on the boundary and territorial issues. The joint working group set up in 1988 to deal with the matter has little to show and perhaps they will meet more often than once annually to address the issue. An increase in the number of such meetings might not be expected to produce much tangible results, palpably certain core issues cannot be swept under the carpet.

Much of our relationship with China is mediated through the problems of prism of our relations with Pakistan, the bilateral content of that relationship being rather poor. At the bilateral level, a territorial and border dispute remains to be

resolved, while the nuclear missile it remains intractable. Two-way trade between India and China is miniscule, roughly 2 billion dollars which is about half a percentage of the total external trade of both nations. There is a security dimension that became briefly critical after Pokhran II and Defence Minister George Fernandes' remarks, subsequently contradicted by the Finance Minister Jaswant Singh during his visit in Beijing. Whatever might be the views of the China Watchers, the chances of China's intention to engage in a direct military conflict with India appears remote. The Chinese seem satisfied with the *status quo,* at least for the time being, because they are concerned with more important issues, Taiwan and Tibet. The question of border dispute is simply a matter of going through the laborious process of delineating the line of actual control and undertaking further confidence building measures, like reduction of troops on either side of the LOAC. That might lead to normalise the bilateral aspect to some extent and as Jaswant Singh told his counterpart in Beijing, India does not seem to be too bothered about what China does with Pakistan so long as it does not indulge in gross acts of interference in Kashmir. In January 2001 a Chinese delegation led by Li Peng, the Chairman of China's parliament and number two leader in China's Communist Party hierarchy, visited New Delhi. In his talks with Prime Minister Vajpayee and President Narayanan, Li Peng asserted that problems arising from historical legacy should not come in the way of improving economic, technological and cultural relations between the two countries. He also sought to allay India's fear of China's nuclear capability, saying that China regards India as a friendly nation and not an enemy. Such developments might be viewed as heralding a new era in Sino-Indian relationship but it is not likely to result in a Sino-Indian partnership unless India approaches China's economic performance.

9.10 INDO-U.S. RELATIONS

The history of India's relations with the United States has been marked by a series of ups and downs, oscillating between warm friendship and near bitterness. Several factors have contributed to this changing pattern of Indo-U.S. relations. These factors are: (i) India's policy of non-alignment and taking independent stand on such issues about which the American Government did not see eye to eye with our

government; (ii) America's continued pro-Pakistani bias; and (iii) India's increasing friendship with the Soviet Union.

From 1948 to the beginning of the Korean War in 1950 the Indo- U.S. relations had been cordial. To win India over to its side in the emerging Cold War between Western bloc and the socialist bloc, the American government spared no pains to influence Indian government. During this period India identified herself with the Western position on almost all important issues in the United Nations and outside except in the case of the Dutch-Indonesian struggle. In the beginning of the Korean war India practically sided with the United States. But as the war progressed, India could not support some American aggressive moves relating to the war because such moves, in India's view, would aggravate and prolong the conflict. India did not agree with the American view that the People's Republic of China was the major threat to the stability of South-East Asia. The result was the gradual cooling down of the Indo-U.S. relations which registered a sharp decline during the Eisenhower administration (1952-60). During this period the American government extended the policy of Cold War politics in Asia by sponsoring military pacts involving some Asian states, such as SEATO and CENTO. Pakistan became member of both the military organisations and received massive U.S. military and economic assistance. India regarded these military alliances as dangerous to the peace in Asia and opposed the American policy of extending Cold War in Asia. She criticised the U.S. decision to arm Pakistan as the latter was hostile to India.

The new American President Kennedy took an active interest in India which he regarded as one of the most important factors in Asia. The competition between India and China, developing then, would determine the future of Asia. He believed that if India, trying to promote a non-capitalist system within a democratic framework, could win political and economic struggle with Communist China, the interest of the 'free world' would be promoted. This attitude of the American President paved the way for a bright prospect of Indo-U.S. relations. In December 1962 Indo-U.S. relations reached its peak following prompt U.S. economic and military assistance to resist Chinese aggression in NEFA and Ladakh. But two major factors destroyed the prospect of better continued India-U.S. relations. One was

India's liberation of Goa by armed force. The U.S. supported the Portuguese occupation of the Indian territory as Portugal was a member of NATO. The other factor was the U.S. policy of giving arms assistance to Pakistan which tilted the balance in the sub-continent in Pakistan's favour. Another factor was that President Kennedy sent troops to Vietnam to crush the national-liberation movement. India condemned this policy. Thus began the decline in Indo-U.S. relations.

The post-1965 period in the Indo-U.S. relations was far from friendly. In the beginning the U.S. Government cut off military aid to both India and Pakistan but later on supplied arms to Pakistan and not to India, thus creating a misunderstanding between the two countries.

After 1969 the Indo-Soviet relations began to grow. It was also the period when Sino-U.S. rapproachment became a reality. This new pattern of relations led to a further deterioration of India's relations with the United States and they reached their lowest ebb during the Bangladesh War and Indo-Pakistan War in 1971 when the Nixon Administration openly supported Pakistan and even tried to intimidate India and weaken her war effort through the deployment of a naval task force and other provocative exercises. The signing of the Indo-Soviet Treaty of Friendship in August 1971 widened the gulf between the two countries.

The visit of Secretary of State Dr.Henry Kissinger in New Delhi in 1974 marked the beginning of the resumption of friendly talks between the two countries after a three-year break. On behalf of the United States Government, Dr. Kissinger declared the earlier American attitude to the Indian policy of non-alignment as irrelevant, admitted the renunciation by the United States of the concept of balance of power in the Indian subcontinent and affirmed that the United States was not interested in promoting an arms race in South Asia. These encouraging declarations were accompanied by concrete attempts to set up joint bodies to work out detailed programs for cooperation between the two countries in the fields of trade and commerce, science and technology, education and culture—attempts to place Indo-American relations on a basis of equality, mutual benefit and reciprocity. What was new in the latest arrangements is the change-over from the previous relationship of giver and recipient to a relationship based on equality and mutual benefit. The old

relationship implied a certain spirit of condescension on the one side and of dependence on the other. However, further development of Indo-US relations did not take place due to declaration of emergency in India by Prime Minister Mrs.Indira Gandhi.

The fall of Mrs.Indira Gandhi and her Congress Party from power in 1977 (March) General Elections and the rise of the new Janata Party to power under the leadership of Mr.Morarji Desai as well as the victory of the Democratic Party in the 1976 presidential election created a new situation. President Carter's visit to India from January 1 to 3, 1978 may be regarded as the ushering in of a new era of mutual trust and confidence between the two countries. The Delhi Declaration signed by President Carter and Prime Minister Morarji Desai, which was projected as the symbol of a new turn in blilateral relations, recorded the shared beliefs of the two countries : a "cooperative and stable world order depends on the right of each people to determine its own political, social and economic policies". The Declaration committed both India and the United States to eventual elimination of the existing stockpile of nuclear weapons all over the world. Simultaneously Indo-U.S. Joint Commission took a number of decisions to intensify cooperation between the two countries on equality and mutual benefit in the sphere of education, culture and science and technology.

Despite the fact that bilateral relations continued and hopes of the beginning of a new chapter of Indo-US relations were trumpeted since 1985 following the meetings of our several Prime Ministers with American Presidents in Washington, no appreciable and stable progress in Indo-US bilateral relations was made. There is a great asymmetry between the position of the US as the only global power and India as a mere regional power.

India has never figured prominantly, like her two neighbours Pakistan and China, in the global perspective of the US Government. Indo-US relations have been viewed either as an offshoot of the US- Soviet relations, as during the Cold War years. Or, in the post-Cold War years, in the context of India's relevance to the pursuit of specific US policy goals such as containing the proliferation of nuclear weapons- or establish its hegemony in South and Southeast Asia. The world views of

the foreign policy elites of India and the USA have been different in so far as India's role in the NAM is concerned. India's dual standards in judging US and Soviet behaviour in many international conflicts produced US hostility.

There had been high points in Indo-US relations, for example, in the 1950s when US aid started flowing, or in 1962 during the India- China War. But more often than not their bilateral relations in the past had been strained over issues such as arms aid to Pakistan and supporting the latter in its quarrels with India over Kashmir, criticism of India's taking over Goa from Portugal's occupation (1961), or support to Pakistan during Indo-Pak war (1971). It was thanks to direct American assistance that Pakistan could launch repeated aggressions on Indian soil. The US could not see Pakistan's involvement in terrorist activities in Kashmir for over 40 years.

In mid-nineties US economic assistance restarted flowing but US attitude to India *vis-a-vis* Pakistan did not undergo any noticeable change despite the US recognition of India as the "emerging largest market", after China, for US investors. Bilateral relations between the two states were strained over such issues as US declaration of Kashmir as a disputed territory, US allegation of violation of human rights in Kashmir while remaining indifferent to Pakistan's involvement in training of terrorists who were killing innocent people; US supply of F-16 aircraft to Pakistan and other economic and military aid; US imposition of high import duty on imports of Indian steel, decision not to open India's insurance and banking sector to American investors, and to cap it all, India's refusal to sign the CTBT (1996) dubbing it as discriminatory but keeping in view her own security concerns.

Since May 1998 India-US relations reached the lowest point when India exercised her nuclear option at Pokhran on 11 May and 13 May as the Government of India perceived of growing threat to India's security environment: Chinese exports of nuclear technology to Pakistan in violation of Missile Technology Control Regime (MTCR) and the launching of the ICBM called 'Ghauri' by Pakistan; vigorous pursuit by China to increase its nuclear process, relying on material and technology obtained from the USA. President Clinton condemned India's action, imposed sanctions on India and, with the loudest support from China, tried to persuade Britain and France to toe the anti-Indian line. President Clinton seemed to act like a world super cop,

refused to understand India's nuclear position as explained by Prime Minister Vajpayee in his personal letter and commanded India to sign the CTBT at once. Rightly, India refused to be bullied and told the self-styled nuclear-armed custodian of world peace that she was ready to sign only on her own terms. 1998 did hang in the balance. However, during the Kargil conflict the USA followed her Western allies in not supporting Pak aggression and played a positive role in persuading Pak Prime Minister to withdraw from the LOC, when Indian forces were pursuing them to the LOC. President Clinton paid his visit in 1999 and this was followed by PM Vajpayee's visit to Washington and the US withdrawal of economic sanctions on India are held to have reversed the development of adverse relationships after Pokhran II. India's policy of economic liberalisation and opening up the economy to foreign investors is likely to improve Indo-US relations.

The US business corporations want to have greater access to the huge Indian market. The business of politics is now-a-days largely determined by the politics of business; the recent strengthening of the Sino-US ties is an ideal illustration. It remains for India's ruling elite to take appropriate decisions and actions so as to take the bull by the horns. India needs American investment as much as US investors, the international carpetbaggers, need the Indian market. This convergence of national economic interests has brought the two countries closer. There has been no "new paradigm" in the relationship. America's policy in regard to Kashmir remains the same as before. Despite President Clinton's rhetoric, the US administration is unlikely to forge an alliance with India to combat terrorism in the region, in Kashmir and Afghanistan and to support India's case for permanent membership in the Security Council.

9.11 INDIA-BANGLADESH RELATIONS

Relations between India and Bangladesh had a good start when in February 1972 Prime Minister Mrs.Indira Gandhi signed with the Prime Minister Sheikh Mujibur Rahman of newly born Bangladesh a 15-year friendship treaty. Despite her own massive economic problems, India promised substantial economic aid to Bangladesh. However relations between the two neighbour countries have been strained after the assassination of Mujibur Rahman and his associates in 1975. Most

of the problems go back before the creation of Bangladesh in 1972 (religious, economic, political and cultural) and these have been the subject of intermittent negotiations.

Soon after the establishment of a military regime in Bangladesh frequent skirmishes occured on the border areas. There was even an attempt on the life of the Indian High Commissioner in Dhaka. India reacted sharply and threatened firm action unless such terrorist activities were stopped. The military regime was fanning anti-Indian feelings among the Bangladeshi people. The Bangladesh government accused India of fomenting movement in Bangladesh against the military regime.

Tensions relaxed during the Janata Government with the signing of the interim agreement in 1977 on the Ganga waters—Farrakka barrage problem. The issue relating to the flow of water into Bangladesh has been the major dispute among a number of outstanding bilateral issues.

In 1980 after Congress came back to power in Delhi relations between the two countries cooled. There was a flare-up in the dispute over New Moore/South Talpatty Island, a sand spit that emerged in Bay of Bengal in 1970s. It was a hot issue because the maritime boundary between the two countries has never been delimited and ownership of the Island could affect oil and natural gas rights in Bay of Bengal. Relations have also been soured by mutual suspicion of interference in insurgencies within each country. India accused Bangladesh of harbouring Mizo rebels, while Bangladesh charged India with fomenting discontent in the Chittagang Hills district. Yet both have moved forward in a number of areas: a trade agreement in 1980, a telecom agreement in 1981, and a protocol on inland water transport in 1982. India's desire to build friendly and cordial relations is demonstrated by the transfer (Beru Bari and the Teen Bigha corridor) by 1993. The Government of India pledged that Bangladesh would not be deprived of requisite water supplies from the Gangetic river system during the lean season.

The most serious problem in Indo-Bangladesh relations is the least susceptible to diplomatic effort; illegal movement of people across the border from Bangladesh to India. The flow of migrants seeking work in India has been specially destabilising in

Assam and Tripura. To stop this infiltration India in the late 1980s proposed fencing of the border but it was vehemently opposed by Bangladesh government headed by General Ershad.

Bangladesh, one of the world's poorest and most populous nations, is a very "weak" state. Its weakness, as preceived by the Indian policymakers, constitutes a security threat to India. First, migration of Bangladeshis in millions to India due to crop failure, natural disaster or political choas would deepen social unrest and unacceptable burden on India; Chakma refugees, for example. Second, though Bangladesh is not aligned, its weakness and political instability render it potentially vulnerable to foreign interference, such as the United States. Third, frequent political unrest in Bangladesh could spill over into India or Bangladesh could be used as a guerilla base for Indian insurgents.

India has therefore been much concerned with political instability in Bangladesh. India's efforts to build good neighbour relations with Bangladesh have not been successful primarily because successive governments in Bangladesh sought to play the anti-Indian sentiments to remain in power.

It was only after the formation of a new government led by Sheik Hassina at Dhaka there were signs of melting the ice of mutual distrust. Concerted effort in finding a mutually acceptable solution to long-standing crucial issue—the Ganga waters-Farrakka problem— led to the signing of Farrakka Treaty in December 1996 in which the Chief Minister of West Bengal, Mr.Jyoti Basu played a key role. This treaty concerning the sharing of Ganga waters by the two countries was hailed as historic because it opened a new chapter in Indo- Bangladesh relations. One must however accept that Farakka remains a thorny political and economic issue for both countries. A sensitive issue like water when it transgresses national boundary takes decades to resolve because of their technical, ecological, political and economic complexities. International law on transnational rivers is weak. Hence the two countries should seriously formulate national water policy reform primarily aimed at ensuring the most efficient use of available water.

Mutual keenness on the part of the two countries to promote understanding and to strengthen bilateral relations has helped further improvement in mutual relations. Despite continuing large-scale illegal migration and Chakma Dacca tribals into India the latter agreed to negotiations to control such transborder movement, delaying punitive action by the Indian Border Force (BSF) which would have been ordered otherwise. Several high level visits also contributed to the development of mutual cordial relations: Bangladesh Foreign Minister's visit to India in April 1998 and Bangladesh PM's visit on 16 June 1998 and on 27-28 January to inaugurate the 24th Calcutta Book Fair. The system of institutional dialogue to discuss matters relating to security and border management continued during 2000. A notable development is the opening of direct bus service between Calcutta and Dacca inaugurated by India's Prime Minister Atal Behari Vajpayee, would go a long way in sustaining mutually beneficial contacts between people of the two neighbouring countries.

9.12 NEPAL-INDIA RELATIONS

India has generally regarded Nepal within the outer perimeter of her own defense system, as an integral part of the sub continental defense line. Nepal has been, and continuous to be, a classic buffer state. It is vital to India's interests in the defense of its northern borders against China. Nepal, being landlocked and dependent upon India for aid, trade and transit, must also maintain close contacts with India. Relations between the two countries have naturally been characterised by occasional frictions because of India's strategic concerns and economic concerns in Nepal and Nepal's perceived sense of Indian dominance and political interference.

The "bed rock" of Indo-Nepalese relations is the 1950 treaty of peace and friendship and the accompanying protocol that requires the two countries to consult with each other and to devise effective counter-measures to meet any threat to the security of either nation. Under the agreement Nepal, after prior consultation with India, could use Indian territory for import of arms and ammunities for its national security. India would maintain a "check post" on the hill tracts of Nepal, Bhutan and

Tibet bordering India. An Indian military commission would be established at Kathmandu for training of Nepalese forces.

In 1951 India and Nepal signed their first Treaty on Trade and Commerce. The subsequent treaties on trade and transit signed in 1960 and 1971 duly recognised the landlocked kingdom's difficulties in promoting foreign trade. These treaties led to the expansion of Indo-Nepal trade. Nepal's trade with India formed 96 per cent of its overall foreign trade in the mid-1960s. The Indian aid programme, started in 1952, gradually expanded in volume and scope. Under the Colombo Plan agreement, concluded in July 1954, the Indian government undertook to contribute towards the development of communication, irrigation projects, and water supplies to Nepal.

There had been significant progress in improved relations on matters of trade and on water and hydro-electric cooperation, but these areas, along with the political and strategic, remained subjects of continued and some-times strained discussions. In 1978, under the Janata government India signed a new seven-year trade and transit treaty with Nepal. Some 70 per cent of Nepal's trade was with India and the rest passed through Indian territory. India's generosity in' the terms of the treaty was criticised by Mrs.Indira Gandhi, then out of power, as a capitulation to Nepal. Nepal was accorded free unrestricted transit facilities at Calcutta and Haldia ports, 15 routes to facilitate trade with third countries, 21 routes for trade with India and a railway link at Radhikapur for trade with Bangladesh. But throughout the eighties Indo-Nepalese relations did not improve much. The rancorous issues were transit points for goods into Nepal, especially from Bangladesh, smuggling of luxury goods into India via Nepal from third countries; and preferences for Nepali products in the Indian market.

Another area of tension was Nepali resentment against to prominent role of Indians in Nepal's economy; in reality, it was resentment arising from dependency—both on Indie investment and technical-managerial skill.

Another source of potential conflict is population movement. An estimated 500,000 Nepalese cross the border into India every year in search of work, and as many as half are believed to settle permanently. This has led to increasing ethnic tension in the northern districts of Uttar Pradesh and Bihar, in .Sikkim and

northeastern states of India. Remittances by Nepali workers in India are important to Nepal's economy and this tends to make Nepal vulnerable to Indian influence.

In order to reduce its dependency on India Nepal has tried to diversify its economic relations (with little success) and sources of aid (China, the United States, and India being major contributors), but India remains Nepal's dominant trading partners and principal benefactor. In return for her assistance, India expect: Nepal to do nothing that would undermine India's interests especially in the vital area of security.

It was, however, political changes in Nepal—the establishment of multi-party democracy in April 1990 and the formation of popular elected government in 1991 and 1994, Nepal's relations with India became closer. This was climaxed by the week-long official visit to India on February 12, 1995 of the Nepali Prime Minister, Mr.Sher Bahadur Deuba, who signed along with his Indian counterpart, Mr. P.V.Narasimha Rao, the Mahakali Treaty in New Delhi. Under it, the 6,4000 MW Pancheswar Hydel Power Project was to set up jointly by India and Nepal at the cost of Rs. 20,000 on an equal sharing basis. This treaty however did not meet the fate of the Tanakpur Treaty which was signed by Prime Minister Narasimha Rao and Mr.Girija Prasad Koirala in December 1991 in New Delhi as the treaty was not approved by the Nepalese parliament, amidst protests by the main opposition party, the United Marxist Leninsts. The Mahakali Treaty has brought the two old South Asian friends closer in mutual beneficial way. This is highly significant for international politics in the region.

The signing the Mahakali Treaty and the measures undertaken jointly by the two countries to make the Mahakali scheme operational however do not signify the resolution of all problems between the two countries. New problems have kepi surfacing: (i) The border controversy in the Mechi area of Nepal: (ii) stationing of Indian troops in Tinkar in Darchula district. These two issues have been taken up by the Joint Nepal-India Boundary Committee to find an amicable settlement. India also has things to worry about in Nepal, such as activities of the Pakistani Inter-Services Intelligence in Nepal armed at India. Nepal has assured India again and again that it

would not allow its territory to be used by any country or organisation against India or India's interests.

Summing up, despite the frequent stresses and strains in the relations between the two countries and the constraints of domestic politics, India and Nepal have recently come closer to reap the benefits of friendly neighbourliness. On her part India has been making serious efforts to allay Nepal's fears. High level bilateral contacts between the two countries—particularly Indian President's visit to Nepal in May 1998, King Birendra's visit to India in January, 1999, meetings between PM Vajpayee and his Nepalese counterpart at the SAARC summit in Colombo have been highly significant. The Joint Working Group on Border Management in the second meeting held in June 1998 took some decisions with the objective of preventing misuse of the open border between the two countries by undesirable elements. More importantly, a renewed Transit Treaty between India and Nepal was signed on 5 January 1999. In all, India's contribution to Nepal's economic development in diverse areas has increased over the years. Nevertheless, domestic problems and the game of power politics in Nepal whipped up the anti-Indian nationalist feelings for the "media fabricated" statement made by a popular Indian film actor. And the violent anti-Indian demonstrations for several days at the dawn of the New Millennium seemed to embitter the relations between the two countries.

9.13 INDIA-SRI LANKA RELATIONS

India-Sri Lanka relations in recent years has been highly complex. This complexity arises out of two historical realities. First, India's abiding and seminal influence on different aspects of Sri Lanka life; and second, despite the shared cultural heritage, the asymmetrical power equation has made the Sinhalese deeply suspicious of India's foreign policy objectives. That many Ceylonese political leaders were apprehensive is evidenced by what Sir John Kotelwala, former Prime Minister of Ceylon said: "The day Ceylon dispensed with Englishmen completely the island would go under India." He also added that membership of the Commonwealth "is the first insurance against any possibility of aggression from quarters closer home". In more recent times the induction of the Indian Peace-keeping Force (1PKF) on the

invitation of Sri Lankan President J.R.Jayawardene under the Indo- Sri Lanka Agreement 1987 gave a fillip to Sinhala—Buddhist chauvinism and provided justification for the argument that Sri Lanka would soon become the client state of a hegemonistic neighbour.

It is the status of Sri Lanka's Tamils, who constitute about 20 per cent of the population that has long been the key problem in India's relations with Sri Lanka. Of 20 per cent Tamils in Sri Lanka, 11 per cen are "Ceylon Tamils" who .trace their origin to migrants from South India more than 1000 years ago; about 9 per cent are "Indian Tamils" who came to Sri Lanka from South India as plantation labourers between 60 and 100 years ago.

The problem of "Indian overseas" has always been a concern for the government of India. But the welfare and security of Tamils in Sri Lanka have been of special concern for Indian government because of the political sensitivity of Tamil Nadu and consequently periodic ethnic conflict on the island has strained relations between the two nations. While Sri Lanka could not be favourably disposed to India's interest in Sri Lanka's Tamil minority, India was deeply concerned with large-scale flow of Tamil refugees, a fall-out of a possible deterioration in ethnic relations in Sri Lanka. Added to this was India's concern for foreign involvement in the region with the possibility of the United States using Trincomalee as a naval base or fueling station.

India's Sri Lanka policy, especially towards the ethnic conflict, has taken a zigzag course, characterised by the absence of clear cut objective and a lack of coordination among various agencies involved in the formulation and implementation of policies and programmes. During the Nehru era, the distinction between Indian Tamils and Sri Lankan Tamils was clearly maintained. Since Sinhalese-Sri Lankan Tamil relations fell within the domestic jurisdiction of Sri Lanka, it was then realised that the government of India had severe limitations as to what it could do to remedy the ethnic situation.

The severe outbreak of ethnic violence in Sri Lanka in July 1983 and the subsequent anti-Sinhalese Tamil steps taken by President Jayewardene plus the

United States Press International Report that the President approached the United States, Britain, Pakistan and Bangladesh for military assistance in the event of an Indian intervention to protect the Tamils alarmed India. Though the President denied any threat of invasion and informed Prime Minister Indira Gandhi that Sri Lanka had appealed to none for military assistance, suspicion remained.

Under Prime Minister Mrs.Indira Gandhi, India's response to the situation in Sri Lanka rested on two major premises: (i) geostrategic concerns and a desire to insulate Sri Lanka from adverse external forces which would have a destablising impact on India's security and the strategic environment; and (ii) geopolitical proximity and ethnic affinities should not lead to the resurgence of secessionist demands in Tamil Nadu. While proclaiming India's commitment to respect the unity and territorial integrity of Sri Lanka, the Government of India helped the Tamils to wrest concessions from an unwilling Sinhalese- dominated government. Thus the Government of India pursued a two pronged strategy which was on many occasions mutually contradictory— mediatory and militant supportive (allowing Sri Lankan Tamil militants use their sanctuaries in Tamil Nadu having the patronage of the Tamil Nadu politicians). As days passed by, the incompatability of the twopronged strategy—support to the Tamil militants, on the one land, and persuasive/pressuring the two contending parties, on the other— came into sharp focus during Rajiv Gandhi stewardship. By early 1987, as a result of pursuance of one wrong move after another the Government of India lost the confidence of different Tamil groups in Sri Lanka: Liberation Tigers of Tamil Elam (LTTE), Tamil United Liberation Front (TULF), Janata Vimukti Peramuna (JVP). Meanwhile, the demoralisation within the Sri Lankan armed force had set in due to heavy casualties suffered at the hands of the Tamil militants (there were reports of a possible military coup) and there was increasing despair in the island. On 29th July, 1987, President Jayewardene signed the Indo-Sri Lanka Agreement in New Delhi. Entered the so-called Indian Peace Keeping Force (IPKF) in Sri Lanka on the invitation of the Sri Lankan President under the agreement in which Sri Lankan Tamils had no say. In the end, the IPKF got caught in the cross fire and found itself fighting the Tamil militants on behalf of Sri Lankan forces. In the end the mediator became the key actor and through many acts of

omission and commission plus the involvement of the RAW, anger and indignation against IPKF spread among both the Tamils and Sinhalese. India became the villain. Ironically, the new government of Sri Lanka along with the LTTE—the two antagonistic forces—demanded in late 1988 an IPKF withdrawal and asked India "not to meddle in "the island's domestic affairs.

India's "Gunboat Diplomacy" and adventure in Sri Lanka ended with the change of government in New Delhi-the assumption of power by the National Front led by V.P.Singh who had been extremely critical of the deployment of IPKF. The IPKF was duly withdrawn from Sri Lanka in March 1990 on Sri Lankan Government assurance of completing the devolution package quickly and creating conditions of security in Tamil areas which could enable the 2,00,000 refugees, then in Tamil Nadu, to return to Sri Lanka with dignity and honour. Further, both India and Sri Lanka decided to constitute a joint commission to cover all aspects of India—Sri Lanka relations—trade, investment, finance, cultural relations and so on. Henceforth the Government of India seemed to pursue the policy of non-interference in the ethnic conflicts in Sri Lanka so as not to embitter the relations between the two neighbours.

Check Your Progress:

1. What is Non-Alignment?

2. Explain India's foreign policy with regards to China.

3. The Indian Ocean region is strategically very important for India- Elucidate:

4. Discuss the India Pakistan relations.

The relations between the two countries continued to be marked by warmth and cordiality. High level visits—Sri Lankan Foreign Minister's visit in March and June 1998, Prime Minister Vajpayee's visit to Colombo in July 1998 and Sri Lankan President's visit to India from 27-30 December 1998 helped to further cement the multifaceted ties between the two countries. A notable achievement was the signing of an agreement to establish a Free Trade Area between India and Sri Lanka which is expected to lead to a steady growth of trade and investment through gradual reduction of tariff. The two countries also signed an MOU to set up India-Sri Lanka Foundation which would promote bilateral exchanges in various spheres and be governed by an independent board.

9.14 ANSWERS TO CHECK YOUR PROGRESS

1. Refer chapter 9.1
2. Refer chapter 9.9
3. Refer chapter 9.5
4. Refer chapter 9.6

UNIT V

LESSON 10

GLOBALIZATION

UNIT STRUCTURE

10.1 Globalization of the media
10.2 Globalization of the media
10.3 Answers to Check Your Progress

10.1 GLOBALIZATION OF THE MEDIA

` Globalization is the process of international integration arising from the interchange of world views, products, ideas, and other aspects of culture. Put in simple terms, globalization refers to processes that promote world-wide exchanges of national and cultural resources. Advances in transportation and telecommunications infrastructure, including the rise of the Internet, are major factors in globalization, generating further interdependence of economic and cultural activities.

Though several scholars place the origins of globalization in modern times, others trace its history long before the European age of discovery and voyages to the New World. Some even trace the origins to the third millennium BCE. Since the beginning of the 20th century, the pace of globalization has intensified at a rapid rate, especially during the Post Cold War era.

The term globalization has been in increasing use since the mid-1980s and especially since the mid-1990s. In 2000, the International Monetary Fund (IMF) identified four basic aspects of globalization: trade and transactions, capital and investment movements, migration and movement of people and the dissemination of knowledge. Further, environmental challenges such as climate change, cross-boundary water and air pollution, and over-fishing of the oOcean are linked with globalization. Globalizing processes affect and are affected by business and work organization, economics, socio-cultural resources, and the natural environment.

Humans have interacted over long distances for thousands of years. The overland Silk Road that connected Asia, Africa and Europe is a good example of the transformative power of trans local exchange that existed in the "Old World". Philosophy, religion, language, the arts, and other aspects of culture spread and mixed as nations exchanged products and ideas. In the 15th and 16th centuries, Europeans made important discoveries in their exploration of the oceans, including the start of transatlantic travel to the "New World" of the Americas. Global movement of people, goods, and ideas expanded significantly in the following centuries. Early in the 19th century, the development of new forms of transportation (such as the steamship and railroads) and telecommunications that "compressed" time and space allowed for increasingly rapid rates of global interchange. In the 20th century, road vehicles and airlines made transportation even faster, and the advent of electronic communications, most notably mobile phones and the Internet, connected billions of people in new ways leading into the 21st century.

The end of the cold war politics following the disintegration of Soviet Union, restructuring of Eastern European countries and weakening of communism as an ideological force in International politics have paved a way for the emergence of a new World War characterized by globalization. The process of globalization began from the 1970's due to various developments in the field of science and technology. Since 1990's the term globalization has gained wide currency.

Globalization has been defined as the intensification of worldwide social relations which link distant localities in such a way that local happenings are shaped by events occurring many miles away and vice versa. In general, we can say that globalization refers to a process by which the planet earth is considered to be the single unit or a global village where social and economic interactions among the people are based on interdependence. Globalization is manifest in the rapid flow of information, capital and goods. Under globalization, culture and societies that were hitherto distinct have come to face with each other. The world has become an interconnected one. To be stated precisely, globalization means the freedom of trade and investment, creation of free trade areas, elimination of government control on

allocation of resources in the domestic economy, progressive removal and restrictions on external trade and payments, expansion of foreign investment, loans and aid and rapid technological progress. It also advocates a balanced budget, social security, welfare and diminished role for the state in economic management. In short, globalization means the integration of world economics so that there could be a free flow of trade and capital and a great movement of persons of various nationalities across the borders. This was made possible by new advances in the field of communications and the developments of high technology. Its chief features are mass production and mass consumption. Nearly 2 trillion dollars are exchanged in the world's currency market everyday and more than 40 percent of goods and services produced in the whole world are now traded.

The emergence of globalization is a consequence of the deliberate efforts of western liberal capitalist countries to bring the whole world under one market oriented economic order. Observers point out that the big Multinational Corporations or Companies have been operating in all parts of the world for more than two decades. The production and distribution of goods took place globally through these corporations or companies. The net value of their sales amounts to more than 2 trillion dollars. The era of globalization which gained impetus in 1990's has had the following effects- (a) trade is growing, (b) tariffs, i.e., import-export duties are being lowered, (c) communication cost are going down, (d) foreign direct investment in places like Asia, Africa and South America has increased considerably and (e) the World Trade Organization (WTO) reviews, monitors and implements the General Agreement on Tariffs and Trade (GATT). Accordingly, new developments in the field of communications and rising debts and declining productions in developing countries have helped the developed countries put pressure on these countries through the International bodies like the World Bank and the International Monetary Fund to integrate their economics with the market oriented economy, make structural adjustments to accommodate the interests of the Multinational Companies (MNC) and liberalize their own economy. Thus, a large number of developing countries either per force or due to their needs of development have sought to integrate increasingly with the world economy. India has also not remained immune from the

process. It has accordingly taken some measures to be a part of the global community and also reacted to certain issues arising out of the processes.

With the second largest population in the world, India faces massive changes in the economic field. Our response to the policy of globalization is evident from the following factors (a) with the introduction of New Industrial Policy in 1991; a more programme of deregulation of industries began. Industrial licensing had been abolished for all industries except for a short list of such industries as related to security concerns or environmental matters. Now the areas, reserved for the public sector would be (i) atomic energy and (ii) railway transport. Even in these areas, private sector participation can be held on a discretionary basis. (b) Foreign Direct Investment (FDI) is seen as a means to supplement domestic investment for achieving a higher level of development. Foreign Investment is supposed to make Indian industry internationally competitive and open up the world market for goods produced in India. It would also bring in managerial skills from abroad and result in better utilization of country's resources, both human ·and natural. Foreign Direct Investment up to 100 percent is allowed with conditions in Telecom Sector, Electronic Mail, Drugs and Pharmaceuticals. (c) Public Sector, i.e., all activities funded out of government's budget, played an important role in country's industrial development. The size of the public sector is still very large. It includes all government departments, government companies, railways, posts and telegraphs, ordnance factories etc. It has been government's constant endeavor to revive the public sector undertaking in order to remove their performance and productivity. Disinvestment or bringing down the government equity would release locked up government's funds for their utilization in social sectors such as housing, health, education and living conditions of the people. In fact after more than a decade of liberalization, India is still far from globalized. (d) Quantitative Restrictions on the import of nearly 700 goods has been removed. The list of goods freed from Quantitative Restrictions include Wheat, Rice, Milk Products, Coffee, Automobiles, Woven Fabrics, etc. (e) After the disinvestment of a few public sector undertakings, the Government decided to amend the Industrial Disputes Act, so that the industries could lay off workers and other employees and even close down industrial

establishments employing up to 100 workers. The Government and the Industrial Houses believe that the protection of workers should not be at the cost of a poor climate for industrial growth. In other words, the intended labour reforms are necessary to make our industries more competitive in the era of Globalization. (f) The rupee was devalued in 1991. Partial convertibility of the rupee was done in 1992-1993 and full convertibility on current account in 1994. (g) Private sector banks including joint venture banks came to be permitted to undertake and expand their operations. The insurance sector was also thrown open for market competition.

In brief for the developing nations like India, globalization has meant more risks and lesser advantages. Privatization has led to a loss of jobs and income inequalities. The rich are getting richer while the poor poorer. It has led to protests by people and organizations against World Trade Organizations and the international financial institutions such as the World Bank, the International Monetary Fund (IMF) and the International Finance Corporation.

10.2 GLOBALIZATION OF THE MEDIA

Around the world, people use mass media for very different purposes at different times during the day. However, at any given moment someone somewhere is consuming the media for some purpose. The internationalization of the media, both as industries and as products, is creating a web of interwoven images, texts, messages, sounds (and of course usually advertisements) bearing with them the social conditions of their production, and further setting and exploiting the modes of their consumption.

Some of the phenomena accompanying the globalization of the media today are the transborder operations of global media moguls, such as Hollywood film companies, books and the music industry; the concentration of media ownership, where few people control large numbers of media around the world, such as AOL Time Warner or Microsoft; the convergence of media and the use of media content through different technological platforms (TV on mobile phones, or listening to the radio while reading a newspaper online).

In very specific ways, the internationalization of the media can be observed at three important levels of their 'life-cycle': media production, media ownership and media consumption. These levels are not to be understood as chronological stages, but rather as cultural practices. These practices and in particular the ability to tell one's own story, and therefore to meaningfully participate in the global media market has been at the heart of concerns expressed by civil society and academics around the world.

As media industries have turned into global enterprises, the conditions of the production of culture are increasingly determined not by the authors and creators themselves but by executives in collaboration with other media companies, such as advertising agencies or other corporations who themselves want to promote their product. In these cases a story is woven around a product (fast food, coffee, etc).

Cultural expression is thought to be in need of protection from the market forces on the one hand and the monologue of the 'Hollywood' blockbuster. The dominance of certain forms of media that originate largely in the global north does not mean that local cultures are not vibrant or creative.

However, it points to a phenomenon that has yet to be remedied, even with the advent of the internet, that of one-way flow of meanings. More cultural products are flowing from the USA and Europe towards the rest of the world than the other way around.

The consequence of this imbalance is that local cultural production and local media often broadcast predominantly north-originated content, because it is more economical than commissioning own productions. Moreover, a particular picture about the human condition is promoted rather than an approach that includes views less represented, leading to a disadvantage for citizens who, in the north, know very little about, or have a very particular image of, the global south while media in the south do not have the same structural means to compete globally.

Some scholars argue that there is enough cultural production originating in the global south that makes it to the rest of the world. Moreover, it is believed that with

the advent of the internet, access to digital material, which can be comparatively easily produced and even more easily distributed, the protection of cultural goods, such as films, television programmes or even books and music, produced in under-represented areas of the global markets, is not necessary. However, although this may hold true in some exceptional occasions, the problems of imbalance and inequality prevail. First of all, this material, if and when it reaches the north, is consumed by the Diasporas rather than the national majorities. It may also have attained 'marketable' characteristics, which means it may have been stripped of specific cultural references to appear in global markets.

Even if this is not the case, accessing and meaningfully using new technologies is itself a matter of great disparity among the worlds poor, even within wealthy nations. Moreover, the dominance of US companies expands into the digital realm, so that new laws increasingly deprive digital content of any requirement for cultural protection.

Finally, exceptions only verify the rule of the one-dimensional flow of meanings and views about the human condition. Of course, let us be clear: the argument here is not to preserve the 'purity' of culture or practices that are harmful to individuals under the pretence of 'culture'. Cultures evolve as do people, they are not static, and neither should they be used to justify harmful and hateful damage to human beings or their environment. The argument is rather about the need for communities to be able to control the means through which their own stories can be told.

Many scholars and social activists have raised these issues with international organizations, such as UNESCO. In the early 1980s UNESCO launched an effort to address this imbalance of information and communication flow (from the north to the south) but the USA and the UK decided that such a policy would be unprofitable for their own media and withdrew from UNESCO. Since then, the voices of discontent have become louder.

Recently, the World Summit on the Information Society (2004-2006) was considered a major opportunity to re-address these questions, which have become

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Progress

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2. How ha Globalizat impacted I

3. Discuss effect of Globalizat the media.

4. Explain effects of Globalizat the world.

even timelier, given the impact of the expansion of the internet and the global inequality in accessing and using this valuable resource.

Frustration is probably the best describing word for advocates of global access, as once more the aims for a more equitable communications infrastructure and presence in the global arena were subsumed in agendas that prioritized a market-led approach.

It becomes clear that globalization is a process through which the world is becoming closer and distance less. As a result of this, national economics are diminishing and they are becoming part of the international economic system. India has become a part of this process and is trying to adapt itself to this new reality. At the same time India has taken a number of initiations at the international level to protect the interests of the developing countries with regard to trade negotiations, subsidies, rights and responsibility of different nations. It has accepted and implemented structural adjustment programmes, opened up its economy and allowed foreign companies to operate. Both scholars and political parties are deeply divided on the desirability and consequences of globalization. Since globalization now is a reality, the discussion on the desirability of globalization has now been replaced by the discussion on the measures which can help the country to derive more advantages from globalization and minimize the disadvantage.

10.3 ANSWERS TO CHECK YOUR PROGRESS

1. Refer chapter 10.1
2. Refer chapter 10.1
3. Refer chapter 10.2
4. Refer chapter 10.2

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